[This Document is the Property of His Britannic Majesty's Government.]

Printed for the use of the Foreign Office.

CONFIDENTIAL.

(12040)

N 008

F.O. 413

F.O. 413/63

FURTHER CORRESPONDENCE

RESPECTING

MOROCCO.

PART 51.

63

JANUARY TO JUNE 1922.

CLOSED UNTIL 1973

F.O. 418/

[This Document is the Property of His Britannic Majesty's Government.]

Printed for the use of the Foreign Office.

CONFIDENTIAL.

(12040)

FURTHER CORRESPONDENCE

RESPECTING

MOROCCO.

PART 51.

JANUARY TO JUNE 1922.

TABLE OF CONTENTS.

No and Name.	Date.	Subject.	Page.
Chapter I.—THE TANGIER ZONE.			
(a.) **The future status of Tangier.**			
1 To Lord Hardinge ... **No. 26**	1922 Jan. 3	The French proposals for the internationalisation of Tangier amount to the incorporation of the town and district into the French zone. It should be conveyed to the French Government that His Majesty's Government, in despair of reaching a settlement by ordinary diplomatic negotiations, must consider whether they should not bring the matter before the League of Nations	1
2 To Sir E. Howard ... **No. 9**	„ 4	Requests that Spanish Government be informed in strict confidence that His Majesty's Government have received views of the French Government in regard to the future status of Tangier. His Majesty's Government have asked the French Government whether these views have been communicated to the Spanish Government and have added that the French scheme seems irreconcilable with the promised internationalisation of Tangier	1
3 Lord Hardinge ... **No. 63**	„ 7	French Government state that they have not communicated their views on Tangier to the Spanish Government, although they were ready to do so. M. Peretti remarked that, though he himself would not object to submitting Tangier question to the League of Nations, it seemed preferable that an agreement should be arrived at direct between the two Governments ...	2
4 To Lord Hardinge ... **No. 131**	„ 13	Transmits record of a conversation with M. Briand at Cannes on the subject of Tangier. M. Briand stated that he was confident that Tangier could not be a cause of difficulty between the two Governments, and agreed that the question should be taken up as soon as possible in London	3
5 Lord Curzon ... ... (Memorandum)	„ 16	Record of a conversation with M. Poincaré at the Quai d'Orsay. M. Poincaré said that he saw no objection to a tripartite conversation in London. The question was delicate, but there could be no conflict of interests and France would certainly respect those of Great Britain	5
6 Mr. Robertson ... **No. 19**	„ 14	Encloses a memorandum giving proposed modifications to the draft Tangier Convention of 1914...	6
7 To Lord Hardinge ... **No. 344** (Extract)	Feb. 2	The French Ambassador suggested that the subject of the forthcoming Tangier conversations would be the assurance by France to Great Britain of commercial and strategic guarantees. Lord Curzon assured him that the conference was to be a tripartite one and would deal not with guarantees but with the internationalisation of Tangier	8
8 Mr. Robertson ... **No. 44**	„ 3	The spiritual authority of the Sultan. Has made careful enquiries from Moors of high standing and considers that little importance is attached to the Sultan's spiritual authority. Consequently, if the Sultan's spiritual authority is recognised at Tangier, there is little fear that it could be extended to temporal matters	8

No. and Name.	Date.	Subject.	Page.
9 To Lord Hardinge ... **No. 625**	1922 Mar. 3	Enquiry should be made of the French Government whether they are prepared to send delegates to a Tangier Conference in London on the conclusion of the Genoa Conference. From a speech recently made by the French High Commissioner in Morocco, it seems possible that the participation of the Makhzen may be demanded. The French Government should be informed that His Majesty's Government could not accept this demand	9
10 Lord Hardinge ... **No. 129. Tel.**	„ 7	French Government stated that Tangier question would be too long delayed if conference were to take place after Genoa. M. Poincaré hoped it would be possible to hold the conference at once, either before or immediately after forthcoming Near East Conference ...	10
11 To Lord Hardinge ... **No. 87. Tel.**	„ 9	Strain of Near East, Tangier and Genoa Conferences in swift succession will be excessive. As regards Tangier, much will depend on whether Powers are agreed upon the general basis of discussion. Since M. Poincaré has stated that French Government have definite views on subject, it will be best to obtain these at once... ...	10
12 Mr. Villiers ... ... (Memorandum)	„ 10	History of Tangier question. French engagements to internationalise Tangier	11
13 Lord Hardinge ... **No. 146. Tel.**	„ 12	Interview with M. Peretti. He opposed the idea of a more definite expression of French views, since these had already been communicated to His Majesty's Government. The French Government could not give way over the Sultan's sovereignty in Tangier. It seems possible that the French Government, before giving up their extreme pretensions, desire to learn proposals of His Majesty's Government	17
14 Sir C. Hurst... ... (Memorandum)	„ 15	Outline of judicial organisation to be established in an internationalised Tangier	18
15 To Lord Hardinge ... **No. 799**	„ 19	Conversation with French Ambassador. The latter set forth the French conception of the Tangier problem. The scheme drawn up in 1914 was a sequel to the Act of Algeciras and the situation was now entirely changed by the war. Lord Curzon pointed out that the divergence between the French and British positions was so wide that it enormously strengthened the British view that the Tangier question should be settled before the pact	19
16 To Lord Hardinge ... **No. 793**	„ 20	The French Government have recently emphasised the necessity of maintaining the Sultan's sovereignty over Tangier. His Majesty's Government have never disputed it and the question should definitely be cleared up now with the French Government. The views of His Majesty's Government should be explained personally to M. Poincaré and an effort made to find a reasonable basis for a conference. If this proves impossible, it should be made clear that His Majesty's Government are in earnest and are resolved not to let the matter drop	21
17 Lord Hardinge ... **No. 742**	„ 23	Transmits reply of the French Government to British communication in regard to the recognition of the independence of Egypt. The French Government state that they will examine the question in a most friendly spirit, and expect that His Majesty's Government will do the same in regard to the abolition of the Capitulations in Morocco and the Tangier question	23

	No. and Name.	Date.	Subject.	Page.
18	Lord Hardinge ... **No. 793**	1922 Mar. 29	The French Government in their note enclosed in Lord Hardinge's despatch No. 742 (No. 17) attempt to make recognition of the new régime in Egypt dependent on the abolition of the consular courts in the French zone and a surrender in the matter of Tangier. Enquires whether His Majesty's Government are under any obligation to connect Moroccan issues with Egyptian	23
19	To Lord Hardinge ... **No. 119. Tel.**	Apr. 6	Foreign Office despatch No. 934 will have furnished reply to points raised in Lord Hardinge's despatch No. 793 (No. 18), and instructions contained in the latter should now be carried out...	24
20	Lord Hardinge ... **No. 917**	„ 11	Conversation with M. Poincaré. Latter said that he recognised that situation in 1912 was as described by His Majesty's Government, but the whole situation was changed by the war and subsequent events. M. Poincaré added it would be difficult to find any common basis of agreement, but a friendly solution should be found to this question, which was almost the only outstanding one...	24
21	Lord Hardinge ... **No. 918**	„ 11	Private information shows French Government to be in search of a solution of the Tangier question. Transmits memorandum by M. Philippe Millet, which represents the limit of concession to which he considers French Government should go	27
22	Lord Hardinge ... **No. 1002**	„ 22	Conversation with M. Poincaré. Latter remarked that the views of the two Governments on the Tangier question were quite divergent and he thought it might be best to let things go on as they were. The French Government would give His Majesty's Government any strategic guarantees, and they hoped that in return for French compliance with British reforms in Egypt His Majesty's Government would make concessions in Tangier	29
23	Mr. Robertson ... **No. 169**	„ 26	Transmits draft Tangier Convention drawn up in consultation with Mr. Villiers	30
24	Mr. Villiers ... (Memorandum)	... May 8	Comments on draft convention enclosed in Mr. Robertson's despatch No. 169 (No. 23)	36
25	Mr. Robertson ... **No. 170**	Apr. 26	Comments on memorandum by M. Philippe Millet enclosed in Lord Hardinge's despatch No. 918 (No. 21)	42
26	Mr. Robertson ... **No. 184**	May 11	There is no foundation for M. Poincaré's contention that feeling in Morocco is agitated at blow to the Sultan's sovereignty which the internationalisation of Tangier would entail. The majority of the Moors would infinitely prefer internationalisation of Tangier to its incorporation in the French zone	44
27	Foreign Office ... (Memorandum)	„ 27	Principles which His Majesty's Government propose should be embodied in a scheme for the establishment of a special régime at Tangier provided for in the treaties	44
28	Lord Hardinge ... **No. 1311**	„ 31	Transmits copy of a note on the future status of Tangier from the French Government. The note appears to be more moderate and to provide a useful opening for the further discussion which the French Government recommend as the preliminary to a conference ...	45
29	To Spanish Ambassador	June 19	M. Poincaré has just called and stated that he agreed to an early conference between the three Powers on the subject of Tangier, and that the second half of July would be a convenient date. Enquires whether this arrangement would suit the Spanish Government	48

	No. and Name.	Date.	Subject.	Page.
30	To Sir E. Howard and Mr. Robertson **Nos. 58 and 19. Tels.**	1922 June 21	It has been decided with M. Poincaré to hold Tangier Conference in London in the latter part of July. Spanish Government will be invited to send a representative	48
31	Mr. Robertson ... **No. 239**	„ 16	Transmits memorandum showing financial liability to be assumed by a Tangier municipality in respect of the Tangier-Fez Railway	48
32	To Treasury	„ 24	Requests Treasury sanction for payment of salary and allowances to Sir Herbert White for the period during which he will act as adviser to His Majesty's Government at the proposed Tangier Conference	49
33	Mr. Robertson ... **No. 255**	„ 22	Transmits observations on French note on the subject of Tangier enclosed in Lord Hardinge's despatch No. 1311 (No. 28)	50
	(b.) Italian claim to take part in the Tangier negotiations.			
34	Sir R. Graham ... **No. 368**	1922 Apr. 25	Director-General of Political Affairs at the Ministry for Foreign Affairs suggested to the Counsellor of the Embassy that Italy should lend her support in pressing for internationalisation of Tangier. Enquires views of His Majesty's Government	51
35	To Sir R. Graham ... **No. 599**	May 9	The Italian Government have on more than one occasion put forward a tentative claim to take part in the Tangier negotiations. If the matter is raised again, the Italian Government should be informed that His Majesty's Government learn with satisfaction, but without surprise, that the Italian view coincides with their own, but that the arrangements for the conference are in abeyance	52
36	Foreign Office ... (Memorandum)	June 26	Extract from notes of a conversation between Lord Balfour and Signor Schanzer on the subject of Italian participation in the Tangier negotiations	52
37	„ „	„ 28	Extract from notes of a conversation between Lord Balfour and Signor Schanzer on the subject of Italian participation in the Tangier negotiations	55
38	„ „	„ 29	Extract from notes of a conversation between the Prime Minister, Lord Balfour and Signor Schanzer on the subject of Italian participation in the Tangier negotiations	57
39	„ „	„ 30	Extract from notes of a conversation between the Prime Minister and Signor Schanzer on the subject of Italian participation in the Tangier negotiations	59
	(c.) The Tangier Port Concession.			
40	To Mr. Robertson ... **No. 16**	1922 Jan. 12	Transmits copy of a despatch to Lord Hardinge (No. 69, Part 50). Mr. Parker is being informed in a similar sense. Gives views of His Majesty's Government on the subject of the port question which may be communicated to British merchants in Morocco	60
41	To Lord Hardinge ... **No. 122**	„ 13	Requests that French Government be informed that His Majesty's Government presume there is no intention of allotting contracts for preliminary or other port works at Tangier at present. His Majesty's Government cannot consent to the construction of any work whatever, including the proposed jetty, until the whole question of the Tangier port concession is settled between the French, Spanish and British Governments	60

	No. and Name.	Date.	Subject.	Page.
42	Lord Hardinge ... **No. 243**	1922 Jan. 27	Transmits note from French Government advancing arguments to meet British objections to the port concession. Latter portion of the note raises the question of the jetty to be built by the Tangier–Fez Railway, and points out that this has no connection with the construction of a harbour by the Port Company	61
43	To Lord Hardinge ... **No. 377**	Feb. 8	Contests French argument in regard to the port concession and the construction of the jetty. In order to avoid any misunderstanding, the protest of His Majesty's Government should be renewed	63
44	Lord Hardinge ... **No. 595**	Mar. 9	Transmits copy of French reply to protest of His Majesty's Government against the harbour concession. The note is purely obstructive and amounts to a refusal to discuss the question. Unless it is necessary to protest against this discourteous proceeding, it seems best to do nothing pending the London Conference ...	63
45	Mr. Robertson ... **No. 79**	„ 2	Comments on correspondence with French Government regarding the harbour concession and construction of the Tangier–Fez Railway jetty	65
46	To Lord Hardinge ... **No. 791**	„ 20	French Government should be informed that His Majesty's Government regret that no attempt should have been made to meet British arguments. In circumstances, His Majesty's Government must maintain their protest	66
47	To Mr. Robertson ... **No. 109**	„ 20	Transmits copy of correspondence with the French Government regarding the construction of the jetty. Enquires whether there is any foundation for the French contention that the British community at Tangier were the moving spirits in an appeal to the Sultan for the construction of a port	66
48	Mr. Robertson ... **No. 135**	„ 31	Refers to enquiry contained in Lord Curzon's despatch No. 109 (No. 47). The French Government were doubtless alluding to a joint petition of the French, Spanish and British Chambers of Commerce calling attention to the commercial stagnation at Tangier and urging among other measures the early construction of a port	67
49	Lord Hardinge ... **No. 946**	Apr. 13	Transmits copy of a French note in answer to protest of His Majesty's Government. The note amounts to nothing more than an acknowledgment of the receipt of the British protest	67
50	Mr. Robertson ... **No. 181**	May 5	Transmits copy of a memorandum recording a conversation with the engineer of the Tangier–Fez Railway on the subject of the company's proposal to build a jetty for the landing of material	68
51	Mr. Robertson to Mr. Villiers	„ 10	Records conversation with representatives of the Port Company. Views of the company appear to be that they are ready to meet His Majesty's Government's objections. Discusses possible solutions of the dispute	69
52	Mr. Robertson ... **No. 23. Tel.**	June 8	Sultan's representative has suddenly summoned meeting of Committee of Adjudications to fix date of adjudication of tenders for port works. Requests authorisation to protest against adjudication being held pending settlement of main issue and to demand that representatives of the Diplomatic Body be instructed not to attend subsequent meetings of the committee... ...	71
53	Mr. Robertson ... **No. 25. Tel.**	„ 12	Sultan's representative has published notice fixing the 9th November as date of adjudication. A most serious situation has arisen, and Diplomatic Body should protest and demand the withdrawal of the notice. Requests instructions	71

	No. and Name.	Date.	Subject.	Page.
54	Mr. Robertson ... **No. 26. Tel.**	1922 June 12	Diplomatic Body have protested against publication of the notice fixing the date of the adjudication and requested its withdrawal...	72
55	To Mr. Robertson ... **No. 17. Tel.**	„ 14	Approves proceedings. A strong protest and demand for the withdrawal of the notice is being addressed to the French Government	72
56	To Sir E. Howard ... **No. 281**	„ 14	Record of conversation with French Ambassador. Latter stated that the only solution of the dispute over the port works was an early tripartite conference. He admitted that there seems little prospect of an agreement being reached, but stated that the most hopeless differences were sometimes solved by conference. He was informed that the question would be considered ...	72
57	Mr. Robertson ... **No. 209**	May 30	Reports that the Tangier Port Company hope to find a way of the present *impasse*. It appears doubtful, however, whether the French Government will make concessions of sufficient importance to satisfy His Majesty's Government. Transmits copies of telegrams from the engineer to the president of the Tangier Port Company and from Mr. Harris to Mr. Parker... ...	73
58	To Lord Hardinge ... **No. 1842**	June 16	Transmits copies of telegrams from Mr. Robertson regarding the proposed adjudication of tenders for the port works. Encloses memorandum for communication to the French Government, and requests that Lord Hardinge should, if the opportunity occurs, emphasise verbally the strong opinion which His Majesty's Government hold on the subject	74
59	Lord Hardinge ... **No. 1436**	„ 17	Records conversation with M. Peretti on the subject of the adjudication of the port works. The Spanish Ambassador has made representations also to the French Government. It appears that protests to the French Government on all subjects connected with Tangier are fruitless and that a conference is the only means of terminating the present unsatisfactory state of affairs	75
60	Mr. Robertson ... **No. 238**	„ 13	Reports and comments on the action of the French protectorate authorities in summoning the recent meeting of the Committee of Adjudication and in publishing a notice fixing the adjudication of the port works for the 9th November. Encloses copy of a note addressed by the Spanish agent, in his capacity of doyen, to the Sultan's representative	76

(d.) Expropriation of Land for the Tangier-Fez Railway.

61	Mr. Robertson ... **No. 53**	1922 Feb. 9	Transmits copy of a dahir issued without the consent of the Diplomatic Corps constituting the section of the Tangier–Fez Railway within the Tangier zone a "work of public importance," and giving notice of expropriation to the owners of the land. Considers that His Majesty's Government should make a firm protest ...	78
62	To Lord Hardinge ... **No. 627**	Mar. 3	A strong protest should be addressed to the French Government against the dahir constituting the section of the Tangier–Fez Railway within the Tangier zone a "work of public importance." His Majesty's Government resent the continued attempt of the French Government to treat Tangier as part of the French zone	79

	No. and Name.	Date.	Subject.	Page.
63	Mr. Robertson ... **No. 86**	1922 Mar. 6	Enquiries have been made as to whether British subjects own any of the land required for the Tangier–Fez Railway. As far as is known, only two plots within the area certified in the dahir are owned by British subjects, of whom one has already sold his property to the railway company	79
64	Lord Hardinge ... **No. 637**	„ 13	Transmits copy of French reply to protest of His Majesty's Government regarding expropriation in the Tangier zone of land for the Tangier–Fez Railway. The French Government point out that no land belonging to a British subject can be expropriated until the dahir has been applied by King's Regulations... ...	80
65	To Lord Hardinge ... **No. 835**	„ 23	The French reply in regard to the Tangier–Fez Railway expropriation is quite unsatisfactory and the matter cannot be allowed to drop. The French Government should be informed that His Majesty's Government do not admit that the Sultan is entitled now to override rights which have been recognised in the past by the French Government as appertaining to the Diplomatic Body	81
66	Lord Hardinge ... **No. 922**	Apr. 11	Transmits copy of a note from the French Government acknowledging receipt of the British protest against the expropriation of the land for the Tangier–Fez Railway without the consent of the Diplomatic Body	81

(e.) Cape Spartel Lighthouse.

67	Spanish Ambassador (Aide-mémoire)	1922 Feb. 1	Enquires views of His Majesty's Government in regard to the proposal of the French Government that the Makhzen should take up the shares in the administration of the Cape Spartel Lighthouse which, under the Peace Treaties, were given up by Germany and Austria	82
68	To Mr. Robertson ... **No. 46**	„ 7	Enquires the facts regarding the complaint of the Spanish Ambassador that the French Protectorate authorities have illegally established an electric semaphore at Cape Spartel	83
69	Mr. Robertson ... **No. 46**	„ 4	Transmits a memorandum on the subject of the Cape Spartel Lighthouse Commission. Requests authority to raise the question of the provision of a new apparatus at an early meeting of the commission and to ask the members to agree to the necessary expenditure ...	83
70	To Board of Trade ...	„ 25	Requests concurrence of the Board to expenditure of British contribution to the new apparatus required for the Spartel Light. Mr. Robertson will insist on an opportunity being given to Messrs Chance to tender...	86
71	Board of Trade ...	Mar. 4	The Board consent to the provision from the General Lighthouse Fund of the British share of the expense involved in the proposed improvement to the Spartel Light	87
72	To Mr. Robertson ... **No. 94**	„ 11	Transmits copy of a letter from the Board of Trade approving the payment of the British contribution towards the improvement to the light. Arrangements must be made to enable Messrs. Chance to tender ...	87
73	Mr. Robertson ... **No. 233**	June 8	The complaint of the Spanish Government with regard to the alleged illegal establishment of an electric semaphore at Cape Spartel is groundless	87

	No. and Name.	Date.	Subject.	Page.

(f.) Police Tabors in Tangier.

74	Mr. Robertson ... **No. 120**	1921 Mar. 20	Offers observations regarding French proposal to assimilate the "Troupes auxiliaires marocaines" to the French regular army. Explains the constitution of the police tabors and the "Compagnie chérifienne"	88
75	Mr. Robertson ... **No. 148**	Apr. 5	Does not consider that the French *projet de loi* referred to in his despatch No. 120 (No. 74) constitutes a ground for protest to the French Government... ...	89

(g.) The "Décanat" of the Diplomatic Corps.

76	Spanish Ambassador	1922 Feb. 16	Relates the circumstances of the appointment of the Spanish Agent at Tangier and the refusal of the French Government to recognise him as doyen of the Diplomatic Corps. Requests support of His Majesty's Government	90
77	To Mr. Robertson ... **No. 66**	„ 24	If a meeting of the Diplomatic Corps is held to consider the refusal of the French Government to recognise M. Serrat as doyen, he should support his Spanish colleague	91
78	Mr. Robertson ... **No. 217**	June 3	At a meeting of the Diplomatic Corps it was decided to address a communication to the Sultan's representative asking if it was a fact that the Makhzen did not recognise the Spanish Agent as doyen and, if so, what were their reasons? On receipt of the Makhzen's reply, proposes to request further instructions ...	91
79	Mr. Robertson ... **No. 243**	„ 16	Encloses copy of the Makhzen's reply, stating that they do not recognise M. Serrat as doyen. Requests instructions as to attitude he should adopt at forthcoming meeting of the Diplomatic Corps to consider the question	94
80	To Mr. Robertson ... **No. 20. Tel.**	„ 24	If it is true that M. Serrat has publicly stated that he does not recognise the sovereignty of the Sultan over Tangier and that he cannot have any relations with the Makhzen, His Majesty's Government cannot support his claim to the *décanat*. If not, His Majesty's Government will support him on the ground that the Makhzen and the French Government have recognised him as Spanish representative for the last seven years	96

Chapter II.—THE FRENCH ZONE.

(a.) The grant of British Protection to Natives.

81	To Lord Hardinge ... **No. 151**	1922 Jan. 16	Refers to note from the French Resident-General in Morocco on the subject of the alleged abuse of the grant of British protection in Morocco. Transmits for communication to the French Government a memorandum setting forth the views of His Majesty's Government on the points raised by the French Protectorate authorities	97

(b.) The Capitulations.

82	To Lord Hardinge ... **No. 934**	1922 Apr. 1	The French Government appear to think that the British declaration to Egypt connotes the abolition of the Capitulations. This is not the case, and the position should be made clear to the French Government ...	99

	No. and Name.	Date.	Subject.	Page.
83	British Merchants' Morocco Association	1922 Apr. 5	Enquires whether the decision to terminate the protectorate over Egypt does not create a fresh situation as regards the negotiations for the mutual surrender of capitulatory rights in Morocco and Egypt	100
84	To British Merchants' Morocco Association	„ 28	His Majesty's Government are bound by no treaty other than that of 1914 to abolish the Capitulations in Morocco. This treaty was concluded before the existence of the protectorate in Egypt and the obligation contracted under it is therefore not affected by the termination of the protectorate...	100
85	Lord Hardinge ... **No. 1318**	June 2	Encloses copy of a note from the French Government taking note of the termination of the British protectorate over Egypt. The French Government appear determined to raise difficulties in Egypt in order to extract concessions in Morocco. Presumes that His Majesty's Government will adhere to their decision to treat the Tangier question independently of any Egyptian issues	101
86	To Sir M. Cheetham... **No. 1896**	„ 22	Transmits for communication to the French Government a memorandum on the subject of British and French capitulatory rights in Morocco and Egypt respectively	102

(c.) The grant of an Exequatur to His Majesty's Agent and Consul-General at Tangier.

87	Lord Hardinge ... **No. 231**	1922 Jan. 24	Transmits copy of a note from the French Government requesting that the wording of Mr. Robertson's nomination as consul-general "for the French Protectorate of Morocco" should be altered to "for the French zone of the Shereefian Empire and the Tangier zone"	104
88	To Mr. Robertson ... **No. 47**	Feb. 7	The failure of Mr. Clark Kerr to carry out precisely his instructions to obtain Mr. Robertson's exequatur as "His Majesty's consul-general in the French zone of Morocco" has proved somewhat embarrassing, since it was hoped that the question of an exequatur for the Tangier zone would not be raised. In the circumstances the best procedure would be to withdraw Mr. Kerr's note and substitute a fresh letter requesting an exequatur as "His Majesty's consul-general for the French zone of the Shereefian Empire." No mention need be made of the Tangier zone	105
89	To Lord Hardinge ... **No. 370**	„ 7	Requests that French Government be informed that Mr. Robertson has been instructed to withdraw Mr. Kerr's note and request an exequatur as "His Majesty's consul-general for the French zone of the Shereefian Empire"	106
90	Mr. Robertson ... **No. 133**	Mar. 31	Transmits copy of a note from the Residency-General at Rabat enclosing his commission and requesting that it should be modified in accordance with the agreement come to between the French and British Governments	106
91	To Mr. Robertson ... **No. 168**	Apl. 26	The statement of the French Government that His Majesty's Government had agreed to alter the terms of Mr. Robertson's commission is not correct. All that is necessary is to apply to the French Protectorate authorities for an exequatur for the "French zone of the Shereefian Empire"	107

	No. and Name.	Date.	Subject.	Page.

Chapter III.—THE SPANISH ZONE.

(a.) Claims of British Subjects and Protected Persons.

92	To Sir E. Howard ... **No. 2. Tel.**	1922 Jan. 2	Spanish proposal to treat claims in three different ways involves unnecessary delay. An effort should be made to secure acceptance of procedure suggested by His Majesty's Government	108
93	Sir E. Howard ... **No. 21**	„ 7	Transmits memorandum from Spanish Government proposing that the claims should be divided into three classes and treated separately. Comments on unsatisfactory nature of these proposals	108
94	To Sir E. Howard ... **No. 47**	„ 25	Comments on Spanish proposals for dealing with claims. Requests that Spanish Government should be pressed to agree to suggestions of His Majesty's Government...	111
95	Sir E. Howard ... **No. 113**	Feb. 16	Spanish Minister for Foreign Affairs considers that the appointment as arbitrator of a judge of the Permanent International Tribunal is not justified by the importance of the claims. He suggested that an expert should be sent to report, and that both Governments should agree to accept his finding as final	112
96	To Sir E. Howard ... **No. 112**	Mar. 1	His Majesty's Government have no objection to the appointment of an arbitrator not a judge of the Permanent Court, but they consider that the arbitrator should be a lawyer. If the Spanish Government cannot suggest a suitable lawyer, His Majesty's Government must adhere to their original proposals	113
97	Sir E. Howard ... **No. 58. Tel.**	May 2	Offers observations on qualifications of certain lawyers suggested by the Spanish Government as arbitrators. Urges that before a lawyer is selected the terms of reference should be settled	113
98	To Sir E. Howard ... **No. 44. Tel.**	„ 10	Agrees to procedure suggested by Spanish Government provided that terms of reference cover all claims. Expenses of arbitration should be shared by both Governments. Enquiries are being made regarding jurists suggested by Spanish Government	114
99	To Sir C. Marling ... **No. 22. Tel.**	„ 10	Requests information regarding M. de Torle-Duwel, whom Spanish Government have suggested as arbitrator	114
100	To Treasury	„ 16	Requests sanction for proposed arbitration of claims on condition that expenses of His Majesty's Government shall be a first charge on the amount obtained from the Spanish Government	115

(b.) Policy of the Spanish Government in the Spanish Zone.

101	Sir E. Howard ... **No. 229**	1922 Mar. 25	Comments on military situation in Morocco and its effect on Spanish internal policy	115
102	Sir E. Howard ... **No. 293**	Apr. 12	Press comments on Moroccan position	116
103	Sir E. Howard ... **No. 344**	„ 29	Comments on recent speech of Spanish High Commissioner at Fez and M. Millerand's reply. The reluctance of the French to reciprocate the Spanish desire for co-operation in Morocco will certainly disappoint the Spanish Government	118

	No. and Name.	Date.	Subject.	Page.
104	Sir E. Howard ... No. 345	1922 Apr. 29	Transmits précis of a speech by Count Romanones on Moroccan position	119
105	Mr. Robertson ... No. 176	May 1	Comments on object of the recent visit to Fez of General Berenguer. Suggests that Spanish and French Governments contemplate a policy of co-operation ...	122
106	Mr. Robertson ... No. 214	June 3	Transmits despatch from vice-consul at Tetuan regarding progress of military operations against Raisuli in the Spanish zone	122
107	Sir E. Howard ... No. 453	„ 17	Press state that the Spanish Government have decided to end military operations in Morocco, and it is expected that Moroccan situation will change completely in the near future	125

Chapter IV.—THE MOROCCO MINING ARBITRATION COMMISSION.

108	Mr. Allsebrook ...	1922 June 19	Encloses copy of a report of the work of the commission and states that its labours are terminated. Enquires if he should take any action in regard to four English claims in the Tangier zone which the commission has been obliged to leave unsettled	126
109	To Mr. Allsebrook ...	„ 28	Foreign Office do not desire now to press for the settlement of the four British claims in the Tangier zone ...	139

Chapter V.—MISCELLANEOUS.

110	Mr. Robertson ... No. 45	1922 Feb. 4	Refers to French anti-British propaganda, which, from personal observation on a recent tour, appears very active in the French zone...	130
111	Mr. Robertson ... No. 161	Apr. 20	Report on ceremonies connected with the visit to Rabat of the French President	130
112	Mr. Robertson ... No. 216	June 2	Transmits memorandum of a statement made by Mr. John Arnall regarding his recent visit to Abdul Kerim	133
113	Mr. Robertson ... No. 237	„ 12	Transmits report on heads of foreign missions	135

Printed for the use of the Foreign Office.

CONFIDENTIAL.

Further Correspondence respecting Morocco.

Part 51.

Chapter I.—The Tangier Zone.

(a.) The future Status of Tangier.

[W 13057/790/28] No. 1.

The Marquess Curzon of Kedleston to Lord Hardinge (Paris).

(No. 26.)

My Lord, *Foreign Office, January 3, 1922.*

I HAVE received Sir M. Cheetham's despatch No. 3526 of the 16th ultimo, forwarding a note in which the French Government set forth their proposals for the future status of Tangier. I concur in Sir Milne's observation that these extraordinary proposals appear to be designed to place Tangier entirely in the hands of the French.

2. I request that your Lordship will enquire of the French Government whether they have communicated these proposals to the Spanish Government, since, in the contrary event, His Majesty's Government are unable to discuss them. As His Majesty's Government have repeatedly stated, they consider themselves bound in honour not to engage in any discussion *à deux* of the Tangier question to the exclusion of Spain. At the same time, in order to obviate the possibility of any misunderstanding, His Majesty's Government think it advisable to place on record that they do not consider the present French proposals to afford even a basis for discussion, since in substance they amount to the incorporation of the town and district of Tangier into the French protectorate—a solution which His Majesty's Government find it impossible to reconcile with the pledge of the internationalisation of Tangier formally given by the French Government and which they could not accept.

3. I beg your Excellency to convey in such way as may appear to you to be the best calculated to make the desired impression that, in view of the persistently obstructive attitude of the French Foreign Office, His Majesty's Government, in despair of reaching a settlement by ordinary diplomatic negotiations, must now consider whether, having regard to the gravity of the issues involved and the imminent danger of international complications arising out of French encroachments at Tangier, they should not bring the whole matter before the League of Nations.

I am, &c.

CURZON OF KEDLESTON

[W 13344/790/28] No. 2.

The Marquess Curzon of Kedleston to Sir E. Howard (Madrid).

(No. 9. Confidential.)

Sir, *Foreign Office, January 4, 1922.*

WITH reference to my telegram No. 128 of the 24th November last, I transmit herewith copy of a despatch, with enclosures, from His Majesty's Ambassador at Paris* and of my reply thereto,† on the subject of the future status of Tangier.

* See Part 50, No. 64.

† See No. 1.

2. I have little if any doubt that the French Government have not communicated their proposals about Tangier to the Spanish Government, and I feel precluded therefore from acquainting the latter with the details of the proposals. At the same time, I consider it desirable that they should not be completely in ignorance of what has occurred. I request therefore that your Excellency will inform the Spanish Government in strict confidence that His Majesty's Government have received an outline of the views of the French Government in regard to the future status of Tangier, and that they are replying thereto by an enquiry whether these views have been communicated to the Spanish Government, since otherwise they feel unable to discuss them. His Majesty's Government are adding to their reply that the views outlined by the French Government seem irreconcilable with the promised internationalisation of Tangier, and that in view of the difficulties persistently placed by the French Government in the way of a settlement by diplomatic discussion His Majesty's Government may, before long, have to consider seriously whether the whole matter should not be brought before the League of Nations.

I am, &c.
CURZON OF KEDLESTON.

[W 224/197/28] No. 3.

Lord Hardinge to the Marquess Curzon of Kedleston.—(*Received January* 9.)

(No. 63.)
My Lord, *Paris, January* 7, 1922.

I HAVE the honour to enclose to your Lordship herewith copy of a note which, in accordance with the instructions contained in the second paragraph of your despatch No. 26 of the 3rd January, I have addressed to the French Government in reply to their communication setting forth their proposals for the future status of Tangier.

I took the note myself to the Ministry for Foreign Affairs this morning and handed it to M. Peretti, explaining to him its contents. He replied that these proposals had not been communicated to the Spanish Government, although the French Government were quite ready to do so, and that they had been supplied to me simply because, in a previous note, I had asked to be informed of the nature of the French proposals. M. Peretti assured me that they were quite ready to communicate them to the Spanish Embassy and to enter upon a discussion *à trois*. I pointed out to him, however, that, in your Lordship's view, they did not even afford a basis for discussion, since they were not in conformity with the pledge of the internationalisation of Tangier which the French Government had already given. M. Peretti proceeded to argue that the creation of an international municipality was in reality the fulfilment of the pledge given by the French Government, and that any other internationalisation would imply the loss of sovereignty by the Sultan of Tangier, which it would be impossible to induce His Majesty to accept.

I then proceeded to read a French translation of the contents of the third paragraph of your Lordship's despatch, and in order that there should be no doubt as to what I had said to him, I left him a memorandum in French of my communication, which was to be regarded as verbal. Copy of this is also enclosed.

M. Peretti remarked that he himself would have no objection to the submission of the Tangier question to the League of Nations, but he did not know how M. Briand would accept such a proposal or how it would be considered by the French Parliament. He felt, however, it would be preferable that an agreement should be arrived at between the two Governments before any reference was made to the League of Nations, and he expressed his confidence that it would not be difficult to arrive at a satisfactory solution. I remarked to M. Peretti that so long as such questions exist on which there is so great a divergence of views as appeared to me to be the case in regard to Tangier, it seemed difficult to understand how there could be an alliance between the two countries as suggested by M. Briand. To this he replied that he was not of my way of thinking, as he felt that once an alliance had been concluded there would be no difficulty in settling any questions that might arise between Great Britain and France, since there would then be no *arrière-pensée* in the minds of the statesmen who were negotiating an agreement, and he therefore considered that an alliance was really a preliminary step towards the settling up of all questions at issue between the two countries. I did not consider it worth while to discuss this question further.

I have, &c.
HARDINGE OF PENSHURST.

Enclosure 1 in No. 3.

Lord Hardinge to M. Briand.

M. le Président du Conseil, *Paris, January* 5, 1922.

SIR MILNE CHEETHAM forwarded to His Majesty's Secretary of State for Foreign Affairs a copy of the note which your Excellency was so good as to address to me on the 15th December last, containing the proposals of the French Government for the establishment of the future status of Tangier.

I have now received instructions from the Marquess Curzon of Kedleston, who has carefully studied these proposals, to enquire of your Excellency whether the French Government have communicated them to the Spanish Government, since, in the contrary event, His Majesty's Government are unable to discuss them. As His Majesty's Government have repeatedly stated, they consider themselves bound in honour not to engage in any discussion *à deux* of the Tangier question to the exclusion of Spain.

At the same time, in order to obviate the possibility of any misunderstanding, I am instructed to inform your Excellency without delay that His Majesty's Government do not consider the proposals now put forward by your Excellency to afford even a basis for discussion, since in substance they amount to the incorporation of the town and district of Tangier into the French protectorate, a solution which His Majesty's Government find it impossible to reconcile with the pledge of the internationalisation of Tangier formally given by the French Government. I am therefore to place on record their inability to accept this solution.

I have, &c.
HARDINGE OF PENSHURST.

Enclosure 2 in No. 3.

Memorandum.

EN remettant sa note du 5 janvier sur la question de Tanger, l'Ambassadeur d'Angleterre a été chargé de déclarer que devant l'attitude du Ministère des Affaires étrangères français, qui paraît vouloir persister à mettre obstacle à toute solution équitable de la question de Tanger, son Gouvernement perd l'espoir de voir régler cette affaire par la voie habituelle des négociations diplomatiques. La gravité des questions en jeu, ainsi que le danger imminent de voir surgir des complications internationales à la suite des empiétements français à Tanger, ont amené le Gouvernement de Sa Majesté britannique à envisager l'opportunité de soumettre la question, dans toute son étendue, à l'arbitre de la Société des Nations.

Ambassade d'Angleterre, Paris,
le 7 janvier 1922.

[W 417/197/28] No. 4.

The Marquess Curzon of Kedleston to Lord Hardinge (Paris).

(No. 131.)
My Lord, *Foreign Office, January* 13, 1922.

I TRANSMIT herewith a record of a conversation which took place at Cannes on the 9th instant between M. Briand and myself on the subject of Tangier.

I am, &c.
CURZON OF KEDLESTON.

Enclosure in No. 4.

Note of a Conversation between Lord Curzon and M. Briand in regard to Tangier.

LORD CURZON said that for more than two years he had been looking forward to the settlement of this troublesome and difficult question. The two Powers most interested were France and Spain; but Great Britain had also large historic, commercial

and strategic interests. The Spanish Government had suggested to His Majesty's Government a separate agreement behind the back of the French Government. The French Government, on their side, had done much the same thing, but the attitude of His Majesty's Government had always been that the agreement must be *à trois*. Great Britain was the most detached of the countries concerned, and Lord Curzon had always been willing to hold a conference in London at any time. As regards the point at issue, the present position arose from pre-war treaties, especially from the Tripartite Convention which was on the verge of being concluded in 1914. In that statute provision was made for setting up an international administration. When Great Britain was asked to recognise the French protectorate in Morocco, she did so on condition of the conclusion of the Statute of Tangier, *i.e.*, on the understanding that the administration was to be international.

Lord Curzon said that he could quote the exact words used by the French Government in 1912, and repeated in 1915. These words left no doubt that the administration was to be international, and Great Britain would never have recognised the protectorate on any other condition.

A conference had been suggested for the first time by Lord Curzon in January 1920. Then M. Millerand came to London for the drafting of the Treaty of Sèvres, and suggested that Lord Curzon should hold a meeting in London. Lord Curzon agreed if the Spaniards also joined. Meanwhile, M. Millerand was recalled to Paris, and the project did not materialise. When M. Leygues became Prime Minister, the suggestion had been renewed to him. M. Leygues had replied that the conference should be in Paris. The Spaniards, however, refused to go there, and said they had an equal right to claim that the conference should be in Madrid. Lord Curzon had renewed, as an acceptable mid-course, the suggestion that the conference should be in London, but the French Government had not agreed, and the proposal had fallen through.

Since then the French Government had asserted that the special régime contemplated for Tangier did not imply internationalisation, but only a municipality in which the foreign residents should elect their representatives. The Spanish Government had always desired to include Tangier in the Spanish zone, but the British Government had steadily refused to support such an idea, and had continued to insist on internationalisation. Lord Curzon had hoped that the French Government had understood this, but latterly they appeared to have receded from their original undertaking.

There had been many conversations in London with the Spanish and French representatives on this subject, and when Count de Saint-Aulaire came to London Lord Curzon had hoped that, in view of the Ambassador's long Moroccan experience, some agreement might be reached. The Ambassador had promised to send us concrete French proposals on the subject. These had recently been received, and it was found impossible to accept them as even the basis of discussion. The French Government proposed, in effect, to abolish the Corps diplomatique and to set up a municipality elected by residents, including Moslems and Jews. All legislative and administrative matters were to be excluded from the purview of the municipality and dealt with by the Shereefian State, *i.e.*, by the French protectorate authorities. This was tantamount to a permanent French majority in the municipality and to French control in all important affairs, and was quite contrary to the régime contemplated in 1914 and to all French undertakings on the subject.

If we were now going to have a friendly arrangement with France, and a guarantee of her security against invasion—which we were willing to give—this stupid question of Tangier must not be allowed to block the way. It must be said frankly that our strategic position made it impossible for us to contemplate any great Power, however friendly, in an exclusive position at the entrance to the Mediterranean. We wanted a *bonâ fide* international administration. We were absolutely impartial in the matter. The French and Spanish would agree alone. Already there was constant friction, as in the matters of the port and fisheries.

While clearing up the other questions, such as the Eastern one, that of Tangier must be settled too, and discussions should be resumed on the old basis. Lord Curzon felt confident that he could induce the Spanish Government to accept, though with reluctance, the principle of internationalisation.

M. Briand asked if Lord Curzon could describe in more detail what he meant by internationalisation.

Lord Curzon referred him to the Statute of 1914. The French had agreed to it, but it had been shelved by the war, as the Spanish Government had failed to assent.

The actual form of this document might have to be modified in certain details owing to the lapse of time, but the 1914 Statute should still remain the basis.

M. Briand replied that he had with him no papers on the subject of Tangier, but, generally speaking, he was confident that Tangier could not be a cause of difficulty between the two Governments. There could be no idea of acquiescing in the Spanish pretensions, but the French Government had no idea of installing themselves there. Provided their rights were respected, they were ready for an international system. The question of Tangier must be amicably settled between the Governments concerned, and he accepted the proposal of a conference *à trois*. He stipulated, however, that the religious rights of the Sultan must be respected.

Lord Curzon replied that the Sultan was represented at Tangier by his Khalifa. He was glad to hear that M. Briand agreed that the question must be settled and that France did not desire any exclusive position. When and where did M. Briand think the conversations should begin? Was M. Briand prepared to accept the old suggestion of London, which was the most advisable place from every point of view?

M. Briand replied that he saw no objection to that in principle.

Lord Curzon added that in that case it would be much easier to get the Spanish to agree.

M. Briand said that he would soon have his papers on the subject and would then reply definitely. He would only repeat that no real difficulty in this matter was possible between the two countries.

Lord Curzon said that M. Berthelot had held very strong views on this subject and that M. Peretti had them also. He hoped therefore that the negotiations might be in M. Briand's own hands.

M. Briand replied that a proper formula must be found. Hitherto French pretensions had been the obstacle. He admitted that M. Berthelot had been uncompromising, but he (M. Briand) had not been in agreement with his adviser on this point, and had already suggested a middle course on which M. Berthelot had been at work.

Lord Curzon said that he was glad this conversation had proved so promising. The last French propositions had caused surprise and even annoyance. The British Government had really considered whether the question should not be referred to the League of Nations. It was, however, much better that the question be settled between ourselves, especially in view of the general clearing up of relations that was now taking place. The Eastern question would be dealt with in Paris at once; Tangier, at M. Briand's next visit to London, and the restoration of the economic position of Europe was about to be dealt with at Genoa.

In these circumstances, public opinion in Great Britain would welcome the guarantee contemplated for the safety of France, although that public opinion was generally loath to accept such responsibilities. This, however, was a golden opportunity, and Lord Curzon said that he would be proud if his tenure at the Foreign Office resulted in such a general settlement.

M. Briand said that, without an agreement between Great Britain and France, Europe would never settle down definitely. There would always be the danger of a new war. All countries represented at the Genoa Conference should engage to respect the decisions of the conference. If, over and above this, there was the association of guarantee between Great Britain and France, the peace of Europe was assured, and he (M. Briand) would then willingly take a rest from the cares of office.

Lord Curzon then enquired whether he could take it as definitely settled that the question of Tangier should be taken up as soon as possible in London.

M. Briand replied that he hoped so, and he would let Lord Curzon know definitely before their departure from Cannes to commence the Eastern Conference in Paris.

Cannes, January 9, 1922.

[**W 631/197/28**] No. 5.

Conversation between Lord Curzon and M. Poincaré at the Quai d'Orsay on Monday, January 16, 1922, *regarding Tangier.*

(Secret.)

Lord Curzon said that when he was at Cannes, and was discussing the question of the Pact with M. Briand, he had desired to clear the ground of other outstanding and troublesome questions. One of them was Tangier. For a long time past abortive

endeavours had been made to reach an agreement. Of the three Powers concerned, France and Spain had, no doubt, greater interests, but, on historic and strategic grounds, which he need not now enumerate in detail, British interests were also most important. When M. Millerand was in London in March 1920, he had asked Lord Curzon to arrange a discussion between themselves and the Spanish Ambassador. M. Millerand had, however, been recalled to Paris, and the impending conference did not materialise. Later, the French Government had declared that the conference must meet in Paris. The Spanish Government, however, would not go to Paris, while the French Government would not go to Madrid. Lord Curzon had accordingly again suggested a conference *à trois* in London. It had never taken place, and the situation was daily becoming more acute. There had been difficulties over the port, the fisheries and other matters. Both the Spanish and the French Governments had suggested to him that a separate arrangement should be made with them respectively, but he had always declined these overtures and had firmly maintained that the discussion and the arrangement must be tripartite. His Majesty's Government wished to revert to the pre-war position. In 1914 a statute of Tangier had been drawn up, but fell through on account of the outbreak of war and the failure of the Spanish Government to agree. He did not want to press M. Poincaré unduly at the moment, but the question was a source of anxiety, and might become worse, and it was one of those problems which must be cleared up. M. Briand had requested us to make no public announcement about Tangier lest it should lead to misunderstanding, and tempt the French public to think that the British Government were raising the question of the French protectorate. Our recognition of the French protectorate in Morocco had, however, he had reminded M. Briand, been conditional upon the internationalisation of Tangier.

M. Poincaré said that he saw no objection to a London discussion. He could not, however, go himself, as Parliament would not leave him time. A French representative could go, but the conversations must be private and must not be an open council.

Lord Curzon said that that was quite understood.

M. Poincaré said that the question of Tangier was a delicate one, but there could be no conflict of interests. France would certainly respect those of Great Britain. There could be no question of using Tangier as a submarine base, or with any hostile intent. The matter was a delicate one, not between France and Great Britain, but between themselves and the Spaniards. Hitherto there had been two currents of opinion in the French Government on the subject of Tangier. He, M. Poincaré, was quite determined that there should only be one, and that all questions separating France and Great Britain must be eliminated. The Pact could follow, and set a seal upon this procedure. Any other procedure would be putting the cart before the horse.

Lord Curzon said that when M. Poincaré had had more time to look round he would ask him to send a representative of the French Government to London for the private discussion *à trois* which was in contemplation. Lord Curzon added that he would either write or speak to M. Poincaré about this a few weeks hence.

M. Poincaré said that he would await the communication, and do his best to hasten a solution. His Majesty's Government could always count upon him to do his best to co-operate loyally and frankly with Great Britain. He, himself, had regretted the "défaut de méthode" and the irregularity of the Franklin–Bouillon Agreement. It had been a mistake, not a deliberate action.

(The conversation then closed.)

[**W 690/197/28**] No. 6.

Mr. Robertson to the Marquess Curzon of Kedleston.—(*Received January* 23.)

(No. 19.)

My Lord, *Tangier, January* 14, 1922.

IN accordance with the instructions contained in your Lordship's telegrams Nos. 2 and 3 of the 9th and 12th January respectively, I have carefully examined with Mr. Clark Kerr the abortive convention of 1914 relative to the status of Tangier, together with the dahirs annexed to it, and I have the honour to enclose a

memorandum showing the modifications that I would suggest.* I have only French copies of the convention and dahirs, and I have not, therefore, actually drafted a text for my proposed amendments.

As I have only been here one month, I submit my suggestions with all diffidence. In drawing them up I have been guided by the following principles.

It has appeared to me that, once the principle of internationalisation conceded, which means in effect the permanent neutralisation of the Tangier zone under international control and the maintenance of the open door, the main objects of His Majesty's Government are fulfilled, and we need not look all too closely into the actual organisation of the municipality, which more nearly concerns the French, Spaniards and natives than ourselves. One of the principal duties of the proposed Committee of Control will be to suppress any tendency to extravagance, so that any financial obligations assumed by the Powers should be kept as low as possible. At the same time we are morally bound to use our influence during the negotiations with a view to starting the municipality on a fair working basis.

In broad outline my suggestions amount to the following:—

1. The permanent neutralisation of the zone should be definitely provided for at the outset.

2. The Khalifa should be revocable only with the consent of or at the request of the Committee of Control. Otherwise he will merely be the tool of the French Government.

3. The Committee of Control should consist of the Khalifa and representatives of France, Spain, Great Britain, Italy and the United States of America, if the last named will accept. This will make a total of six members, and be a less cumbersome body than the twelve provided for by the 1914 convention, or ten, with the elimination of Germany and Austria.

4. I would accept a municipal assembly of twenty-eight elected persons, as proposed by M. Briand in his note of the 15th December, 1921, to Lord Hardinge. The powers of the assembly are strictly defined, and our main interest would appear to be the Committee of Control. The members of the assembly would be elected by their respective colonies.

5. The departmental and office organisation will have to be set up by the assembly, subject to the sanction of the Committee of Control.

6. Judicial arrangements: I have not attempted to suggest modifications to the dahir setting up the international tribunal, as I have no legal adviser. The simplest plan would appear to be to adopt the codes now in force in the French protectorate. I fear, however, that French judges would not command the confidence of either the Spaniards, British or natives, and I can only suggest that three neutral judges should be appointed

7. Customs: Corruption is rank under the present system, and it is essential that there should be a responsible controlling body of three—a British subject, a Frenchman and a Spaniard.

8. Finance: This is a very serious difficulty, and I very much regret that I am unable to make any suggestions of detail. The expenses of the municipality will partly depend on the stipulations of the proposed convention, notably upon the strength of the police forces and the judicial arrangements, partly upon the number of officials employed and a number of other considerations, such as treaty obligations already existing. The receipts will depend largely upon the taxes voted by the assembly. Though I might be able to suggest taxes, I should not, at any rate with my present very limited experience, care to make any estimate as to their yield. M. Porché's memorandum (see Part 48, No. 50) is worth a careful study, for the state of affairs described by him exists to-day. The costs, however, will certainly be much heavier now, and many of his figures appear to be largely guess-work. Most people seem to agree that there is likely to be a deficit, at any rate until the port is built and in running order. Much will also depend upon the efficiency, energy and integrity of the tax-collecting organisation. I would propose that the whole question should be carefully considered by experts, and that the deficit, if any, might be guaranteed for a period of five years by the Governments of France, Spain and Great Britain, as being those most directly interested. There should, however, be a proviso that the annual budget shall be submitted for approval to the three Governments by the Committee of Control. The liability of the Governments concerned would be limited to a definite figure.

* Not printed.

In conclusion, I would venture to suggest that the British negotiators should endeavour to establish certain broad principles of the nature outlined above. The enclosed memorandum, if approved, might serve for general guidance to our representative on the Committee of Experts, but should not be put forward as a definite proposal.

Finally, I would suggest that perhaps your Lordship might see your way to hint to the French and Spanish Governments that they should not be represented on the Committee of Experts by their agents at Tangier, who are hardly on speaking terms, and would, I amconvinced, hardly make an effort to reach an agreement.

I have, &c
ARNOLD ROBERTSON.

[W 1180/197/28] No. 7.

The Marquess Curzon of Kedleston to Lord Hardinge (Paris).

(No. 344.)
(Extract.) *Foreign Office, February 2, 1922.*

BEFORE concluding our conversation, the Ambassador said a few words to me about the impending conference concerning Tangier. As he appeared to be a little uncertain about the assurances given to me by M. Briand and M. Poincaré, I repeated them to him. He suggested—not, I am afraid, without deliberation—that the subject of the conversations was to be the assurance by France to Great Britain of guarantees for the maintenance of our commercial and strategical position at Tangier.

I assured him at once that that was not the least the case. The conference was to be a tripartite one between France, Spain and ourselves. It was to deal, not with guarantees to Great Britain or to Spain, but with the internationalisation of the town of Tangier. I proposed to take up the negotiations from the stage at which they were dropped in 1914, soon after the beginning of the war and the object was to set up, not a ridiculous form of petty municipal administration such as had recently been proposed by the French, but a genuine form of international government for the town.

The Ambassador enlarged to me upon the interests of France in the place, especially in connection with the projected railway, which was to be the starting-point of a great transcontinental system leading to her possessions in the heart of Africa.

This, I said, was important and would have to be safeguarded, but France must not forget and could not ignore that Tangier was not in or adjacent to the French protectorate of Morocco, but was actually in and surrounded by the Spanish zone. Further, that the great majority of its population were not French but Spanish, and that the Spanish claims to influence there could not, therefore, be denied.

Upon the Ambassador remarking that the Spanish policy was that of annexation pure and simple, I observed that whilst this might have been the case, and I was not sure that an analogous policy had not been in the minds of some Frenchmen, the Spanish Government now knew perfectly well that any such solution was out of the question. I had myself told them quite candidly that their only chance was an international régime. They had accepted this and I did not imagine for a moment that they would seek to depart from it. That was the basis upon which our conversations must begin.

When I said that I supposed that the Ambassador, from his long Moroccan experience, would be invited to represent his country, he said he thought this extremely unlikely, because he would be regarded as prejudiced in the matter.

[W 1374/197/28] No. 8.

Mr. Robertson to the Marquess Curzon of Kedleston.—(Received February 11.)

(No. 44.)
My Lord, *Tangier, February 3, 1922.*

IN his telegram of the 19th January, Sir E. Crowe instructed me to furnish your Lordship with my considered views in regard to the French contention that the spiritual authority of the Sultan must be preserved in the Tangier zone.

In the course of the extensive tour in the French protectorate, from which I have just returned, I made careful enquiries of the numerous Moors of standing and repute with whom I came into contact, and I was somewhat surprised to find that the question of the future status of Tangier excites the liveliest interest among them. Not only did I find no trace at all of any desire that the Tangier zone should remain under the Sultan's temporal authority, but the exact opposite appears to be the case. For a

variety of reasons the French régime seems to be cordially disliked, at any rate, by the wealthy and educated part of the population. The Sultan is regarded with entire contempt as a puppet of the French, who is alleged to sign anything that is put before him, and is seldom even permitted to read the documents to which he has to put his name. The Moors appear to be genuinely alarmed that His Majesty's Government may, for reasons of major policy, consent to Tangier becoming virtually a part of the French protectorate, in which case their last possible haven of refuge would disappear, as well as the only port in which they had hoped to see an honest customs régime established free from French control.

As regards the spiritual authority of the Sultan, I usually prefaced my enquiries by frankly stating that the French Government were very insistent on the maintenance of that authority in the Tangier zone, and that His Majesty's Government, who were the friends of Islam, and were responsible for a large Mahommedan Empire, were most anxious to do nothing that would hurt Islamic feeling or damage the religious prestige of the Sultan. I am afraid that my remarks were invariably received with merriment, and the retort that, if the French were so anxious on the subject, they had best begin by showing some respect for the spiritual authority of the Sultan in the protectorate. Before the war the Sultan of Morocco had been regarded as the Khalifa, but since the establishment of the protectorate he had lost that position to the Sultan of Turkey, as Mahommedan law did not permit of any but an independent Sovereign being the Khalifa. This explains the quite recent change that has taken place in the attitude of the Moors towards the Sultan of Turkey, whom they previously regarded, I understand, with contempt.

Ultimately I elicited the general view that we should completely satisfy religious feelings if we permitted :—

1. The Sultan to be prayed for in the mosques.
2. The application of Islamic law and its administration by the Kadi.
3. The administration of the Habous properties as before. It was important, however, that the Kadi should not be a French nominee or revocable by the Sultan without consent of the municipality.

Personally, I have little fear that the spiritual authority of the Sultan could be extended to temporal matters, nor do I, after enquiries, concur in the Spanish view that whatever authority the Sultan exercised over various parts of Morocco before the coming of the French protectorate, was derived wholly from his claim to a spiritual overlordship. The temporal authority of the Sultan depended upon the big stick that he was able to wield and upon his ability to collect taxes. Many tribes in open revolt against him used, I understand, to acknowledge his spiritual authority, and even pray for him in their mosques. The Moors of Tangier would, I have no doubt, be quite willing to pray for the Sultan, though their religious feelings are not very strong, but the last thing that they desire, in common with the rest of their countrymen, is that he should exercise any temporal authority over them.

I have, &c.
ARNOLD ROBERTSON.

[W 1604/197/28] No. 9.

The Marquess Curzon of Kedleston to Lord Hardinge (Paris).

(No. 625.)
My Lord, *Foreign Office, March 3, 1922*

WHEN I mentioned the question of the Tangier Conference at London to the French Premier, we agreed that it should be postponed until after the Near Eastern Conference at Paris. I have therefore been awaiting the meeting of the latter before taking any action here. From the articles, however, which have appeared recently in the French press, I gather that the French Government expect His Majesty's Government to make the first move. I suggest, therefore, that your Lordship should without further delay enquire whether the French Government will be prepared to send their delegates to London on the conclusion of the Genoa Conference.

2. My attention has been called to a speech recently made in Paris by the French High Commissioner in Morocco from which it would seem possible that the French Government contemplate putting forward a demand that the Moorish Government should be represented at the Tangier Conference. In case the matter should be mentioned to you in conversation at the French Ministry for Foreign Affairs, it may be

well to state that His Majesty's Government could not for a moment contemplate accepting a demand of this nature. Indeed, it is obvious that in the case of a protectorate, such as the French protectorate over Morocco, the protected Sovereign cannot be represented in discussion with foreign Powers by anyone other than the protecting Power. Moreover, in the conversations that have so far taken place it has been mutually agreed that the conference should be tripartite, *i.e.*, confined to the representatives of France, Great Britain and Spain.

I am, &c.
CURZON OF KEDLESTON.

[W 2110/197/28] No. 10.

Lord Hardinge to the Marquess Curzon of Kedleston.—(*Received March* 8.)

(No. 129.)
(Telegraphic.) *Paris, March* 7, 1922.

YOUR despatch No. 625.

I enquired to-day whether French Government would be prepared to send their delegates to London on the conclusion of Genoa Conference to discuss question of Tangier.

M. Poincaré at once replied it seemed to him that question was being too long delayed if they were to wait for end of Genoa Conference which might last several weeks or months unless His Majesty's Government were ready to conclude pact without any further delay.

The Near East Conference would be opened in Paris very shortly, and he was quite ready to send his delegates to London to discuss question of Tangier now or at any other time, as they were ready and views of Government quite decided on the subject. He remarked that representations had been made to His Majesty's Government, and by His Majesty's Government to French Government, respecting movements of French and British fleets off Tangier, and he first wished to remove, by as early a settlement as possible, all these irritating questions which might at any moment be the cause of an incident.

He hoped, therefore, that it would be possible to hold Tangier Conference in London at an early date. He expressed himself as particularly anxious as to early conclusion of pact.

I remarked to President of the Council that it was he who had suggested that all these questions had to be settled before conclusion of pact. He admitted this, but remarked that his views had changed, and from statements made to press by Prime Minister on his return from Boulogne he gathered that British Government are ready to sign pact at an early date.

My personal opinion is that it would be very desirable to hold Tangier Conference in London immediately after conclusion of Near East Conference and before Genoa Conference and signature of pact.

[W 2110/197/28] No. 11.

The Marquess Curzon of Kedleston to Lord Hardinge (*Paris*).

[By Bag.]

(No. 87.)
(Telegraphic.) *Foreign Office, March* 9, 1922.

YOUR telegram No. 129 of 7th March.

I should be quite willing to take the Tangier discussion between the Eastern and Genoa conferences if conditions of time rendered this possible, but I am apprehensive that no amount of goodwill or even of physical endeavour may be equal to the strain of the Near East, Tangier and Genoa in swift succession without a break.

As regards Tangier, much will depend upon whether the three Powers are agreed in advance upon the general basis of discussion. I have been under the impression that M. Briand and I were in accord as to this basis, *i.e.*, genuine internationalisation, and I have no present reason to doubt that the same is the case with M. Poincaré; but as the latter has informed you that the views of the French Government are quite decided on the subject, it might facilitate matters if they would give us an idea of what they are.

Please endeavour to ascertain this as soon as possible. You should at the same time indicate that it will not be possible to proceed with pact until Tangier, among other questions, has been cleared away.

[W 2207/197/28] No. 12.

Memorandum on Tangier.

OUR interest in Tangier is twofold—strategic and commercial. In regard to the former, the views of the competent British authorities are as follows:—

> "The strategic importance of Tangier to Great Britain depends on its possible use as a naval and air base by a hostile Power desiring to control the western entrance to the Mediterranean. If such Power were a Mediterranean Power, the British position in the Mediterranean would be very seriously menaced, and the effect would extend to our Indian and Eastern possessions. The value of Gibraltar to Britain, which already depends largely on the denial of that fortress to a possible enemy, would tend to disappear altogether. It is, therefore, from the British point of view, desirable that no strong Power, and particularly no strong Mediterranean Power, should have the whole control of Tangier. Our advantage lies in maintaining Tangier as an undefended port unsuitable for naval use. This can best be secured by Tangier remaining under international control of France, Spain and Great Britain."

C.I.D. Paper 256 B, Aug. 1920

The commercial importance of Tangier lies in the fact that it is destined, when a proper harbour is built and when the Tangier–Fez Railway is finished, as the French newspapers never tire of pointing out, not only to be the coaling station and port of call of all ships entering and leaving the Mediterranean, but also the main gateway into Northern Africa and one of the chief points on the future railway from Paris to Dakar. Our experience in Madagascar and Algeria leads to the inevitable conclusion that with Tangier in French hands British trade will be gradually throttled and killed, whatever guarantees we may obtain on paper.

His Majesty's Government maintain that the French Government are bound to agree to the "internationalisation" of Tangier. By internationalisation we mean the establishment of an international autonomous authority at Tangier under the technical sovereignty of the Sultan with the same powers as the French and Spanish authorities in the French and Spanish protected zones in Morocco. The French Government contend that they are only bound to agree to a "régime spécial" at Tangier. By "régime spécial" they mean the establishment of a municipal body representing the foreign as well as the native elements at Tangier with purely municipal functions and powers in the ordinary sense of the word municipal. The functions of government properly so-called are to be exercised by and through the French authorities. In other words, Tangier will really be in French hands as much as Fez or Rabat.

The French cannot deny that they were ready up to the Peace Conference of 1919 to agree to the internationalisation of Tangier, and in 1914 they and we had actually agreed at last on the terms of the "Statut de Tanger." Their present contention appears to be that they agreed solely because they were tied by the Act of Algeciras, by the Franco-German Convention of 1911, and by fear of Germany; the internationalisation of Tangier was in fact a servitude imposed by Germany. Now that the Treaty of Versailles has swept away the Algeciras Act, the Franco-German Convention of 1911 and all German servitudes, the French Government are only bound to carry out the terms of the various treaties and conventions which, with one single exception, never refer specifically to internationalisation, but only to a "régime" or "caractère spécial." The object of the present memorandum is to show how entirely unfounded and illogical the French contentions are. Germany does not come into the picture at all. The French are pledged up to the hilt to agree to the internationalisation of Tangier in virtue of the assurances and undertakings which they have repeatedly given to His Majesty's Government, and which we have never waived or abandoned.

The Anglo-French declaration of April 1904 (Egypt and Morocco) makes no reference to Tangier, but article 8 provides that: "the French Government will come to an understanding with the Spanish Government" in regard to Spanish interests in Morocco, and that this understanding "shall be communicated to His Britannic Majesty's Government." The resulting understanding was the secret Franco-Spanish Convention of October 1904, article 9 of which provides that—

> "La ville de Tanger gardera le caractère spécial que lui donnent la présence du Corps diplomatique et ses institutions municipale et sanitaire."

The use of the word "gardera," *i.e.*, "will retain," not "will acquire," should be noted. By the communication of this convention to His Majesty's Government the latter became practically parties thereto, and the French Government are thus bound *vis-à-vis* of His Majesty's Government, as well as of the Spanish Government, to carry out the terms of article 9.

Sir E. Grey to Sir F. Bertie, No. 485, Nov. 20, 1911.

The Act of Algeciras, 1906, concerns itself with Tangier as a separate zone only, inasmuch as it provides for the creation there of an international police force. Incidentally the Act confers certain special international powers and duties upon the Diplomatic Corps at Tangier. Supposing, therefore, that the Act were held to be abolished by the Peace Conference and the Treaty of Versailles (on this point, please see pp. 3–6 of the present memorandum), it is difficult to see how it would affect in the smallest degree the question of the internationalisation of Tangier.

The Franco-German Convention of 1911, which followed on the Agadir incident and by which the Germans gave the French a free hand in Morocco, makes no special reference to Tangier. When this convention was communicated to us officially, with a request for our adherence thereto, we wrote to the French Government that—

Sir E. Grey to M. Daeschner, Nov. 14, 1911.

> "His Majesty's Government take this opportunity to remind the French Government of the importance attached by them to the preservation of the special character which the town of Tangier derives from the presence of the Diplomatic Body and from its municipal and sanitary institutions. His Majesty's Government feel confident that the French Government will accordingly concur in adequate arrangements being made for placing the town and municipal district of Tangier definitely under international control. Subject to the above observations, and in the belief that they are in harmony with the views and intention of the French Government, His Majesty's Government have much pleasure in giving their adherence to the Franco-German Convention."

M. Daeschner to Sir E. Grey, Nov. 17, 1911.

The French Government replied in a note omitting all mention of Tangier. We took the matter up at once, and Lord Bertie was instructed to inform the French Government as follows:—

Sir E. Grey to Sir F. Bertie, No. 485, Nov. 20, 1911.

> "Finally, the French Government in their reply omit all reference to the question of the internationalisation of the town and the municipal district of Tangier. His Majesty's Government are much embarrassed by this omission, and, assuming it to be intentional, they feel constrained to renew the statement that in adhering to the Franco-German Convention they expect the French Government to carry out their engagements towards the Spanish Government as to the internationalisation of Tangier. . . . . Your Excellency will bear in mind that some formal record will be necessary either on the part of the French Government to the effect that the reservation of His Majesty's Government with regard to Tangier is understood and will be satisfactorily met by them, or on the part of His Majesty's Government to the effect that their adherence to the Franco-German Convention is subject to a satisfactory settlement of the international status of Tangier."

The following day we received a note from the French Minister in London stating that he was—

M. Daeschner to Sir E. Grey, Nov. 21, 1911.

> "autorisé à donner officiellement à votre Excellence . . . . l'assurance que le Gouvernement de la République ne se prévaudra pas de ses accords avec l'Allemagne pour revenir sur la clause de la Convention franco-espagnole de 1904 relative à la situation spéciale de la ville et de la région de Tanger."

We accepted this assurance as sufficient and adhered to the Franco-German Convention, after Lord Bertie had had a very satisfactory conversation on the 26th November with M. de Selves, the French Minister for Foreign Affairs, in which the latter stated that provision would be made for the internationalisation of Tangier in the impending Franco-Spanish negotiations. These assurances were official and formal, but it must be observed that we never secured anything from the French in writing as to the internationalisation of Tangier—all they have ever stated in writing is confirmation of the "régime spécial" of Tangier. Naturally enough we did not consider it necessary to insist on the use of the word "internationalisation" in any written document, and our faith seem justified up till 1919. In the tripartite negotiations, the definite and specific object of which was the internationalisation of Tangier, there was much dispute and wrangling, and the French repeatedly endeavoured so to draft the "Statut de Tanger" as to ensure French or Franco-Spanish predominance and control of the international body; but the principle of internationalisation was never called in question. M. Poincaré himself in February 1912 observed to Lord Bertie that "as Tangier is to be internationalised, the French Government will not be free to grant a concession for the construction of a port there."

Sir F. Bertie to Sir E. Grey, No. 561, Nov. 26, 1911

Sir F. Bertie to Sir E. Grey, No. 101, Feb. 24, 1912.

On the 27th August, 1912, the French Chargé d'Affaires in London communicated an official memorandum from which the following are quotations:—

> "La France a toujours été disposée à installer à Tanger un régime international, et sa conduite même démontre qu'elle a constamment voulu exécuter ses engagements à cet égard. Le Gouvernement de la République n'a aucune visée particulière sur Tanger; il n'y recherche aucun privilège et aucun avantage d'aucune sorte; sa seule préoccupation . . . . est de ne se prêter qu'à la création d'un organisme viable, dans lequel la France n'aura pas d'autres droits que ceux des autres Puissances . . . .
>
> "Le Gouvernement de la République n'entend pas assimiler l'organisation de Tanger à une simple mesure de réorganisation analogue à celle que le Sultan pourrait poursuivre avec le concours de France dans tout autre port marocain; mais il maintient qu'il n'a assumé le devoir d'internationaliser ou de neutraliser Tanger . . . . envers aucune des autres Puissances . . . . la Grande-Bretagne et l'Espagne exceptées."

It is also worth noting that in February 1914 as a result of our unofficial representations to the French Government, the latter sent instructions to the French agency at Tangier that they must give "full effect not merely to the letter but also to the spirit of the understanding with this country respecting the genuine internationalisation of Tangier and avoidance of any one-sided encroachments pending the establishment of the régime." We learnt subsequently from Sir H. White that these instructions had really been sent and that General Lyautey was doing his best to enforce them.

Sir E. Grey to Mr. White, No. 5, Tel., Feb. 18, 1914.

Mr. White to Sir E. Grey, No. 90, Mar. 23, 1914.

Although the Treaty of Versailles abrogated the Franco-German Convention of 1911 so far as Germany was concerned, the French Government hold that His Majesty's Government are still bound thereby. We have accepted this view. Surely if we are bound thereby, the express contention on which we adhere thereto is still binding also.

The sequel to the Franco-German Convention of 1911 was the Franco-Moorish and Franco-Spanish Protectorate Treaties of 1912. The former (article 1) provides that—

> "La ville de Tanger gardera le caractère spécial qui lui a été reconnu et qui déterminera son organisation municipale";

the latter (article 7) that—

> "La ville de Tanger et sa banlieue seront dotées d'un régime spécial qui sera déterminé ultérieurement; elles formeront une zone comprise dans les limites décrites ci-après," &c.;

and also (article 13) that—

> "Les recettes douanières encaissées par le bureau de Tanger devront être réparties entre la zone internationalisée et les deux autres zones."

This is the one and only specific mention of internationalisation in a treaty or convention.

We made our recognition of both these treaties, *i.e.*, our recognition of both the French and Spanish protectorates, conditional on the accomplished and definite conclusion of a satisfactory arrangement for the internationalisation of Tangier. We have not yet recognised the Spanish protectorate; unfortunately we have recognised the French protectorate.

What happened was this. When in January 1913 the French Government communicated the text of the 1912 Protectorate Treaty to us and asked for our adherence, we replied that—

Sir E. Grey to M. Cambon, June 20, 1913.

> "His Majesty's Government made the conclusion of a satisfactory arrangement for the internationalisation of Tangier one of the conditions of their adherence to the Franco-German Convention of November 1911 and consequently to its corollary, the establishment of a French protectorate in Morocco. To their great regret no such arrangement about Tangier has yet been reached; on the contrary, the attitude which the French Government have recently adopted in the matter has been most disappointing. In these circumstances His Majesty's Government do not think that the moment has come for giving their formal recognition for the establishment of a French protectorate."

Throughout 1913 and 1914 the negotiations continued and at last in the late autumn of 1914 we came to terms with the French. On the 17th December, 1914, Lord Bertie was instructed to inform the French Government as follows:—

Sir E. Grey to Lord Bertie, No. 1240, Dec. 17, 1914.

> "His Majesty's Government propose to proclaim a protectorate over Egypt on the 18th December.
>
> "Inform French Government, saying that we are ready, in return for their recognition, to recognise the French protectorate over the French zone in Morocco and to agree to a simultaneous announcement of the recognition of the two protectorates.
>
> "In making this communication you should express our confidence that the French Government will continue to meet us in the same friendly spirit they have recently shown in the conduct of the Tangier negotiations, and that His Majesty's Government can therefore rely on a definite settlement of the few outstanding points of difference being reached very shortly, provided that no fresh difficulties are raised by the Spanish Government."

Lord Granville to Lord Bertie, No. 526, Dec. 23, 1914.

The French Government agreed, and at the end of the note which M. Delcassé addressed to Lord Granville on the 21st December, stands the following paragraph:—

> "M. Delcassé est heureux de faire savoir à Lord Granville . . . . que le Gouvernement de la République, animé du désir d'assurer à la ville de Tanger un statut qui donne également satisfaction à tous les intérêts en cause, a accepté les dernières modifications proposées par Sir Edward Grey au projet de convention préparé pour établir ce statut. Il compte que des instructions seront adressées à l'Ambassadeur de Sa Majesté à Madrid pour qu'il appuie auprès du Gouvernement espagnol, de concert avec son collègue français, le projet de texte sur lequel le Gouvernement britannique et le Gouvernement français sont tombés d'accord."

It looked as if at last the Tangier Convention would be signed, but these hopes were not realised. The Spanish Government raised a number of small difficulties, and it was felt impossible to continue to haggle and bargain at a moment when all energies were needed for the war. The whole matter dropped, and nothing more was heard of Tangier till the Peace Conference assembled at Paris in the winter of 1918–19.

The bearings of the Peace Conference of 1919 on the Tangier question are somewhat complicated.

On the 25th February, 1919, M. Pichon suddenly sprang on the Council of the Allies a long statement to the general effect that all the servitudes contained in the Act of Algeciras were forced upon France by Germany and should therefore be annulled, that Tangier formed part of the French zone, and that Spain occupied in the Spanish zone the position of a sub-tenant to France. Mr. Balfour opposed this view, and the discussion was eventually postponed for the preparation of a concrete resolution by the French Government. The draft French resolution when produced by M. Peretti contained proposals for the renunciation by Germany of all rights and privileges, past or future, in Morocco and the recognition of the French protectorate over the whole of Morocco. The Council of the Allies, taking note of the French declarations with regard to the open door, "that is to say, economic equality for all the Allied nations," was to express the view that each of the Allied nations considered the Act of Algeciras and the Franco-German Convention of 1911 abrogated, and that thereafter there was no reason to impose an international régime on the town of Tangier, "which forms part of the French protectorate."

In a reply dated the 10th March the British delegation submitted a counter-resolution specifically confined to the abolition of servitudes imposed by Germany on Morocco. As regards Tangier, it was maintained that internationalisation was a condition which His Majesty's Government had attached to their recognition of the French protectorate, and that neither the war with Germany nor the failure of Spain to sign the "Statut de Tanger" justified the future settlement of its status otherwise than by agreement between the three Powers, though the war might necessitate some modification in the form of internationalisation originally proposed.

On the 28th March the Council of the Allies in Paris adopted the following resolution:—

> "The Supreme Council of the Allies, after hearing the statement made by the French Government of its claims against Germany regarding Morocco, considers that in the Peace Treaty all servitudes of an international character to which that country was subjected, as a result of German intervention, should be cancelled.
>
> "Consequently, the Supreme Council, taking note of the declarations of the French Government regarding the maintenance of the 'open door'—that is to say, economic, commercial, and industrial equality for all the Allied nations in consideration of their surrender of all servitudes of an international character—entrusts a committee, on which Belgium, France, the United States, Great Britain, Italy, and Portugal, Allied Powers signatories of the Algeciras Convention, shall be represented, with the task of examining the provisions which it will be necessary to introduce to that end in the Treaty of Peace, in accordance with the proposal of the French Government."

On the 5th April the committee so appointed submitted eleven draft clauses for inclusion in the treaty, accompanied by a covering report in which it was stated: "It should be observed that none of the accompanying clauses modify in the slightest degree the treaties existing between France or Morocco on the one hand, and the Allied or netural Powers on the other." Eventually the clauses in question were included in the Peace Treaty as articles 141 to 146. There is no mention of Tangier therein. The articles deal exclusively with the renunciation by Germany of all rights in Morocco.

The resolution of the council and the proposed clauses were thus explained by Mr. Balfour on the 9th May:—

> "It may indeed be held that by the resolution of the Supreme Council of the 28th March, the Allies have agreed in principle, so far as they are concerned, to abolish the Algeciras Act. A definite abrogation could, however, only take effect when all the signatories have agreed to take the same step. So far as the Treaty of Peace with Germany is concerned, the Morocco clauses now being inserted in the preliminaries do not imply the surrender of rights by any Power other than Germany."

Mr. Balfour made a further statement on the 20th June to the effect that the resolution of the council of the 28th March clearly did not amount to an international obligation possessing the binding force of a treaty. Nor could it be held to be a surrender by any of the Powers taking part in it of their rights in Morocco.

Matters were left in this somewhat vague and unsatisfactory state until early in July, when the French Government proposed to seize the German Legation and all other German State property at Tangier in the name of the Makhzen. Such action was technically in accordance with the provisions of the Peace Treaty, but in view of the peculiar position of Tangier Mr. Balfour was instructed to inform the French Government that His Majesty's Government could only acquiesce on the assumption that any German property thus seized would be ceded to the municipality on the establishment of the international régime at Tangier.

In addressing the French Government, Mr. Balfour maintained, at the same time, that the Moroccan clauses of the Peace Treaty did not affect the question of the status of Tangier, their object being only to exclude Germany from all rights and interests in Morocco. He therefore felt it his duty to place on record that His Majesty's Government regarded the status of Tangier as still remaining to be determined.

This invoked a somewhat defiant reply from M. Pichon, in which occurs the passage :—

> "Your Excellency is aware that it is not the intention of the French Government to accept an international status for Tangier, which is in no way imposed by existing treaties and the establishment of which for practical reasons, which will not have escaped your Excellency, would be incompatible with the obligations incumbent on France from the fact that Morocco has been placed under her protection."

There the matter remained. It is perhaps a little unfortunate that Mr. Balfour did not at once reply that we had already explicitly dissented from the French view as then propounded.

For the next two years we continued to press the French Government to come forward with proposals for a settlement of Tangier. At last, in December 1921, they did so, and, as we expected, the proposals amounted in substance to the incorporation of Tangier in the French zone. The French justification of their proposals was very simple, as it consisted in ignoring completely all the pledges they had given to us, and merely referring to the "régime spécial" promised by the Protectorate Treaty of 1912. We replied by enquiring whether the proposals had been communicated to the Spanish Government, since otherwise we could not discuss them. Lord Hardinge was instructed at the same time to inform the French Government that—

Sir Milne Cheetham to Lord Curzon, No. 3526, Dec. 16, 1921.

> "in order to obviate the possibility of any misunderstanding, His Majesty's Government think it advisable to place on record that they do not consider the present French proposals to afford even a basis for discussion, since in substance they amount to incorporation of the town and district of Tangier into the French protectorate—a solution which His Majesty's Government find it impossible to reconcile with the pledge of the internationalisation of Tangier formally given by the French Government, and which they could not accept . . . . His Majesty's Government, in despair of reaching a settlement by ordinary diplomatic negotiations, must now consider whether, having regard to the gravity of the issues involved and the imminent danger of international complications arising out of French encroachments in Tangier, they should not bring the whole matter before the League of Nations."

Lord Curzon to Lord Hardinge, No. 26, Jan. 8, 1922.

The next step was the conversations held between Lord Curzon and MM. Briand and Poincaré in January last. The French Premiers both agreed to discuss the subject in London at an early date, but, so far as it appears from the records made by Lord Curzon, neither of them gave a definite promise to accept internationalisation in our sense as the basis of the discussion. Lord Curzon, however, derived the impression that M. Briand was ready to accept this. M. Poincaré said that the question of Tangier

was a delicate one, not between France and Great Britain, but between France and Spain, and that there could be no conflict of interests between France and England on the subject. Hitherto there had been two currents of opinion in the French Government. He (M. Poincaré) was quite determined that there should be only one, and that all questions separating France and Great Britain must be eliminated. The pact could follow and set a seal upon this procedure. There the matter rests, and discussions are now proceeding between His Majesty's Government and the French Government as to the date of the conference.

I submit :—

1. That nothing which occurred during the war or at the Peace Conference, and nothing which is contained in the Treaty of Versailles justifies the French in altering the view which up to 1919 they never denied, and which their action up to that time showed they accepted, *i.e.*, that the grant of a "régime spécial" to Tangier means the grant of internationalisation in the sense demanded by His Majesty's Government.
2. That the obligation to agree to internationalisation rests on definite French engagements to His Majesty's Government which the French Government cannot honourably evade, and in return for which they have received their *quid pro quo*, *i.e.*, our adherence to the Franco-German Convention of 1911 and our recognition of the French protectorate.

G. H. VILLIERS.

Foreign Office, March 10, 1922.

[W 2205/197/28] No. 13.

Lord Hardinge to the Marquess Curzon of Kedleston.—(*Received March* 13.)

[By Bag.]

(No. 146.)
(Telegraphic.) *Paris, March* 12, 1922.

ON the receipt of your Lordship's telegram No. 87 of 9th March, respecting the date of the Tangier discussion, I asked to see M. Poincaré, but was informed that he would be prevented by press of parliamentary business from receiving me before 14th March. I accordingly saw M. de Peretti yesterday afternoon, though in view of the latter's reputed strong views on Tangier I should have expected a wider outlook and perhaps a more conciliatory answer from the president of the council.

When I had spoken in the general sense of your instructions, M. de Peretti made no objection to accepting such date as your Lordship might prefer for the meeting in London, but he vigorously opposed the idea of any more definite expression of French views as a means of arriving at a general basis of discussion between the three Powers and of thereby securing the earlier date for the conference which M. Poincaré so recently advocated. The French Government, he said, had communicated to His Majesty's Government on 15th December last a scheme for the regulation of the future status of Tangier. Your Lordship had found these proposals inacceptable, but the French Government had nothing to add to them, and it was for us to suggest counter-proposals which they would examine in a spirit of goodwill. M. de Saint-Aulaire was specially empowered to deal with the matter in London, and the import of any preliminary exchange of views with him should, M. de Peretti thought, be made known to the Spaniards, whose views should also be obtained.

I explained again that the point which concerned us was the general internationalisation of Tangier and that it would be idle to expect a rapid issue unless the French and British Governments had arrived at some clear understanding on this point before the conference opened. M. de Peretti said that it was impossible for the French Government to give way as regards the sovereignty of the Sultan of Morocco over Tangier. They were ready to meet us in any other demand dictated by our special interests in the Tangier zone, but the preservation of the sovereignty was vital to the French position in Morocco. To offend

Moroccan sentiment in this particular might lead to a war which France was not prepared to undertake. The question was really a wider one. It was an aspect of the problem which had become only too apparent in Egypt, India and Anatolia. The French Government was determined not to take risks where the opinion of the whole Moslem world was concerned, and he reminded me of the recent recommendations of the Government of India in favour of the Turks. I said that I was hardly qualified to carry on a discussion on these lines, but that it would obviously be of practical use if we could be told what degree of international character would remain if the claims of the sovereign Sultan were satisfied. M. de Peretti only referred me again to the institutions of the Tangier municipality detailed in the French note of 15th December last. He admitted that these institutions might not be equivalent to the internationalisation we had anticipated as a result of the negotiations ending in 1914, but he said that France must take account of the changed situation produced by the war, as we had done in India and Egypt; and he once more referred to the gravity of the situation in the East and of its close connection with the difficulties which the French had to face in Morocco. He finally stated that he considered the presence of a diplomatic body in Tangier to be a mistake and that France might, in given circumstances, even withdraw her representative and leave the Tangier administration to deal directly with the Sultan.

In the course of our conversation, which was friendly throughout, I mentioned more than once the advantage of settling the Tangier question and other issues in order to leave the way free for the pact. M. de Peretti did not take up the point beyond expressing his confidence that the pact would in due course be concluded.

It is difficult to believe that M. de Peretti's remarks represent the real purpose of the French Government who may wish to know, before giving up their extreme pretentions, what detailed proposals we shall put forward for the future status of Tangier.

[W 2348/2348/28] No. 14.

Memorandum by Sir C. Hurst respecting the Administration of Tangier.

IF a judicial organisation is to be created for Tangier upon the footing that, so far as possible, the administration of Tangier must be capable of being paid for out of local resources, I am afraid that Sir William Brunyate's scheme of 1913 will have to be subjected to large modifications.

Judges are expensive gentlemen to maintain, as they require large salaries. Furthermore, the expenses of the court are not limited to the salaries of the judges, as all the subordinate staff has to be provided for, and it is not usual in any country for the fees from court work to cover the expenses of the maintenance and upkeep of the courts If a legal machinery is to be established with due regard for economy, the number of judges must be as small as possible. The Brunyate scheme comprised six judges and a public advocate with functions similar to those of a procureur général. For certain purposes (*e.g.*, article 4, General Assembly), a quorum of four was required. On the other hand, courts of first instance in criminal matters, and also in civil, commercial and administrative matters, were to be held before a judge sitting alone, and there was to be an Appeal Court composed of three judges to which appeals from the courts of first instance were to lie.

Unless the Powers are content to make considerable contributions towards the cost of the administration of Tangier, the judicial organisation must be provided for on a much less extravagant scale. Tangier is not a very populous city, nor do I see any reason why the internationalisation of the port should necessitate any exclusion of Moroccan jurisdiction over Moroccan subjects in criminal matters or between Moroccan subjects exclusively in civil and religious matters. If all such cases were left to the jurisdiction of the Makhzen, a single magistrate, provided that he was a competent person not of French, Spanish or British nationality, ought to be able to deal with all the criminal and civil cases concerning foreigners. It would not be inconsistent with the idea of internationalisation to leave in the hands of the consuls of the Powers possessing extra-territorial rights jurisdiction over their own nationals in petty criminal matters. This would certainly relieve the judge to some extent, and I see no reason why he should be bound to deal with all the minor charges of

drunkenness or assault against foreign seamen in the port of Tangier. Police work of this kind might quite well be left in the hands of the consuls.

If there was only one judge it would be difficult to provide anything in the way of a Court of Appeal, and I do not see how this could be managed, though it will no doubt be a matter for criticism if no system of appeals is provided for.

There will presumably be some police organisation at Tangier, and the duty of preparing cases and prosecuting the persons charged with offences will have to be imposed upon the police.

The whole Brunyate scheme is based upon the continental system. It is largely a reproduction of the French system as in use in Egypt. A much simpler scheme could be prepared if a model less continental in origin were followed; and I am afraid that if the judges are cut down in number, as I have suggested above, it will entail the abandonment of the Brunyate scheme practically *in toto*.

As an alternative to any continuation of the régime of the Capitulations in matters of jurisdiction, I think the system I have indicated would be preferable. Wherever the Capitulations continue in force without qualification, a condition of things arises which makes trade very difficult because of the numberless transactions in which the parties to a trade transaction are of different nationalities. The creation of the Mixed Tribunals in Egypt, the scheme for the Mixed Tribunals at Constantinople, are both of them testimony to the difficulty which arises where the Capitulations alone function. Furthermore, a system under which every Power is to maintain its own consular court is not an economy in the long run, because it may cost the Powers more to fulfil their duty and provide adequate courts than it would to contribute the small sum—if any is required—to maintain an international tribunal on the modest lines which I have suggested above. Tangier finances, however, ought to be able to bear without outside help a judicial organisation of this simple kind.

C. J. B. H.

Foreign Office, March 15, 1922.

[W 2448/50/17] No. 15.

The Marquess Curzon of Kedleston to Lord Hardinge (Paris).

(No. 799.)

My Lord, *Foreign Office, March* 19, 1922.

THE French Ambassador called upon me at my private house yesterday afternoon in order to carry out certain instructions which he had received from his Government. The first two points related to the forthcoming conference at Genoa. He subsequently left upon my table two notes describing the information which he had come to seek, but his own fulfilment of his instructions was confined to two particulars. M. Poincaré, he said, was still somewhat uneasy as to the position which would be occupied at the conference by the German and Russian delegations, and he was anxious that there should be no disagreement between the Principal Allied Powers on this point. A reference to the proceedings at Cannes would show that it was only upon a certain understanding, and upon the acceptance of certain broad principles which were named, that the Russian delegation was to be admitted at all; and he assumed, therefore, that in the opening statement of the President, who would be an Italian, note would be taken to the effect that all the Powers who were there represented indicated by their presence their acceptation of the fundamental principles which had been recognised as the necessary basis of their collaboration.

I said that my recollection of what had passed at Cannes coincided with his, and that if the Italian President, in the course of his speech, chose to remind his audience of what had been agreed upon at the latter place, I could not see that there was any objection to his doing so.

The second point of the Ambassador was with reference to the manner in which and the degree to which an attempt should be made to consult or conciliate the League of Nations in regard to the proceedings of the forthcoming conference. It was clear that at several points both the discussions that took place and the decisions that were arrived at would touch upon matters already in the hands of the League of Nations, and it seemed very undesirable that there should be any collision between the two bodies. It had been suggested, therefore, that the League of Nations should be invited to send delegates to Genoa, who might be available for reference whenever

these questions were raised, but who would not be admitted as a formal delegation to the plenum of the conference.

I said that I thought that the matter ought to be very carefully handled, because nothing would be more unfortunate than an appearance of conflict, or still more of open schism, between the Conference and the League. Only within the last twenty-four hours I had seen a representation from the Italian Government in which they submitted a definite proposal that the Council of the League should be invited to send a body of eight or nine experts, with the necessary staff, to Genoa; these delegates being representative of the different departments or branches of the League which were likely to be concerned, and including representatives of the Labour Bureau. I had at once regarded this proposal with considerable suspicion, particularly if the Labour Bureau, who had a very vigorous chairman in the person of M. Albert Thomas, were to appear upon the scene at Genoa and to insist upon being present at the conference, where they might make themselves rather a nuisance. I had replied to the Italian Government, therefore, that, whilst I thought it important that the Council of the League should be kept in touch with what was going on, and should even have one or more of their experts on the spot, these should be invited for purposes of reference in case any question affecting the League was raised, but that nothing in the nature of a formal invitation to the League to send an official delegation ought to be despatched.

The Ambassador said he was inclined to agree with me, and he thought that M. Poincaré would do the same. He said that he would report my views to his Government.

His Excellency then proceeded to ask me my views about further consideration of the so-called " pact " between Great Britain and France. He asked whether the Cabinet had considered and were in a position to pronounce upon the latest proposals, now some weeks old, from the French Government.

I replied that I had written a memorandum of advice to my colleagues on the matter, which had been in their hands for several weeks, and that the Prime Minister had taken it with him to Boulogne with a view—had there been time—of discussing the matter on that basis with M. Poincaré. No actual decision had been arrived at by the Cabinet upon the case, but I had reason to believe that my principal colleagues were in accord with the views which I had expressed; views that were identical with those which I had more than once laid before the Ambassador himself. No doubt at the right time the Cabinet would be quite prepared to come to a final decision upon the subject, but that time had not yet arrived. His Excellency, I said, would remember that when the subject was first discussed with M. Briand at Cannes the British Prime Minister had clearly laid down that the ground must be cleared of certain matters still in dispute between the two Governments before the pact could be concluded, and, further, he had directly intimated what those matters were. They were, in the main, three in number :—

The proceedings of the Genoa Conference.
The settlement of the Near East, and
The question of Tangier.

Further, when M. Briand had fallen, and the Prime Minister and I had successively seen M. Poincaré in Paris, he had expressed his agreement with the same line of procedure, and had laid down that the causes of disagreement should be removed before the final agreement was concluded. Although I gathered that M. Poincaré had subsequently modified his view, I was sure that my colleagues had not changed theirs, and that from every point of view this was the best method by which to proceed. The Near-Eastern Conference was about to meet, and we should soon know how far we had been able to come to an agreement. This was to be followed by the Genoa Conference, which would take us well into the summer. I had already agreed with M. Poincaré to undertake the Tangier conversations immediately afterwards. When the whole of these matters had been concluded then would be the time to resume the discussion—and, I hoped, the conclusion—of the pact. But, in view of the somewhat altered state of opinion in this country, where large sections of opinion, notably Labour and Liberal opinion, were opposed to the conclusion of a military pact at all, it seemed to me most unwise to go to Parliament and ask their assent unless we were able to say at the same time that the ground had been cleared of all the sources of misunderstanding, and that the two parties were going forward in a spirit of perfect unison. Such a claim could certainly not be made now, although I hoped that it might be advanced later on.

The Ambassador then proceeded to draw a sharp distinction between the case of Tangier and the two other—and admittedly more important—subjects, and argued that as soon as Genoa and the Near East had been settled we should proceed to sign the pact without further delay. To this proposition I declined to assent. Whilst admitting that Tangier stood on a much lower level of importance than either the economic reconstruction of Europe or the settlement of the Near East, I nevertheless said I had been greatly perturbed by the position recently taken up by the French Government. My conversation with M. Briand at Cannes had led me to believe that the French Government were willing to accept the principle of internationalisation as the basis of the settlement; but, only a few weeks ago, his Excellency had himself submitted to the Foreign Office a scheme for a municipal council at Tangier, which, as he knew, we regarded as simply ridiculous; and, further, since then Count Peretti, having been sent by the French Foreign Office to talk the matter over with your Excellency, had taken up an attitude so frankly inconsistent with any idea of internationalisation, as we understood it, and so hostile and even defiant in its conception, that I began to be doubtful whether a conference on such a basis was possible at all, and whether, if it took place, it might not develop a difference of opinion that, whatever the degree of importance of the subject, might end by becoming extremely serious. In these circumstances, it seemed to me absolutely essential that Tangier also should be disposed of before we proceeded with the further stages of the pact, and I could hold out to his Excellency no hopes that I should advise my colleagues in any other direction.

The Ambassador then proceeded to pour out upon me, with a volubility that almost took my breath away, the French conception of the Tangier case.

I need not repeat this in the present despatch, because your Excellency is already familiar with it. Suffice it to say that the Count de Saint-Aulaire did not seem to understand why Great Britain should have any interest in the matter at all, provided her two desiderata, (1) economic, and (2) strategic, were met. The French were prepared to give any reasonable assurances in these respects that we might desire, but the sovereignty of the Sultan of Morocco (who he failed to remind me was a puppet in the hands of the French) over the natives of Tangier must be absolutely maintained.

The scheme for an international administration, as contemplated by both the French and Spanish Governments and ourselves in 1914, which was a sequel to the Act of Algeciras, had, he said, now been entirely changed by the war and by subsequent events. Some very different and smaller scheme must therefore now be suggested.

This argument, I did not hesitate to point out to the Ambassador, indicated, as I suspected, so wide a divergence between the French and British positions that it enormously strengthened my case for dealing with the matter before the pact was signed. What, I asked him, would be the position if, perhaps with no small difficulty, the Government persuaded the House of Commons to agree to the pact, and then within a few weeks it was found that at a conference sitting in London a divergence—perhaps even a breakdown—of no inconsiderable importance between the two Governments, who had just pledged their troth to each other, was found to take place. I urged him to be careful to avoid any such disaster as this, and said that if M. Poincaré in my forthcoming visit to Paris questioned me on the matter, I should return him exactly the same reply.

I am, &c.
CURZON OF KEDLESTON.

[**W 2205/197/28**] No. 16.

The Marquess Curzon of Kedleston to Lord Hardinge (Paris).

(No. 793.)

My Lord, *Foreign Office, March 20, 1922.*

I HAVE received your telegram No. 146 of the 12th instant reporting a conversation with Count Peretti on the subject of Tangier.

2. For many months past French official utterances and inspired comment in the press have with monotonous regularity emphasised the necessity of maintaining the sovereignty of the Sultan of Morocco over Tangier, and I observe that Count Peretti repeated once again that it was impossible for the French Government to give way on this point. The implication that His Majesty's Government do not admit, or desire to

terminate, the Sultan's sovereignty over Tangier is entirely erroneous. His Majesty's Government recognise that Tangier and its zone form part of His Majesty's dominions just as much as the French and Spanish zones in Morocco. No one, so far as I am aware, denies the sovereignty of the Sultan over the French and Spanish zones, though it is exercised on the advice of a French High Commissioner in the one case and on the advice of the Spanish Government tendered to the Sultan's Khalifa in the other. All that His Majesty's Government ask is that the Sultan's sovereignty over Tangier should be exercised in an analogous manner on the advice of an international body tendered to a Moorish Khalifa. The suggestion made in the French memorandum of the 5th September, 1921, that internationalisation implies the disappearance of the Shereefian flag from Tangier is without foundation. I should be glad if your Excellency would clear up this matter with the French Government. It may reasonably be surmised that by "sovereignty of the Sultan" they really mean the protecting power of France, and perhaps your Excellency's explanations may induce them to abandon their present shibboleth and to adopt some phrase more in consonance with reality.

3. If I understand Count Peretti correctly, he contends that the failure to extend French authority over Tangier will so incense the Moors as to lead to serious trouble, and that because His Majesty's Government have granted self-government to Egypt and are faced with unrest in India, it is therefore impossible to internationalise Tangier. These contentions are so fantastic that it would be waste of time to discuss them seriously. It is, on the other hand, a serious matter to find that, according to Count Peretti, the French Government are not prepared to go beyond the scheme put forward in their memorandum of the 15th December last, which, your Excellency will remember, did not even pretend to provide genuine internationalisation. If this be in fact the determination of the French Government a conference could only end in a deadlock—a contingency which I am anxious to avoid. It is clearly useless to summon a conference to discuss details of internationalisation when one of the parties is not prepared to admit the principle of internationalisation at all.

4. I have never been able to ascertain exactly the grounds on which the French Government maintain that they are free in 1922 to disregard pledges which were binding in 1914 If these pledges had at the time been given to the German Government, and if it had been the German Government who insisted before the war on the internationalisation of Tangier, the French attitude would be comprehensible. But this is not the case. It is to the British and Spanish Governments that the French Government are bound, and I not aware of anything which has occurred since 1914 to absolve the latter from carrying out their pledges. A memorandum, copy of which is enclosed,* has been prepared in this Department reciting in detail the history of the proposal to internationalise Tangier. Your Excellency will see therefrom how entirely untenable is the French position.

5. I request that your Excellency will seek a personal interview with M. Poincaré, and explain to him the position as viewed by His Majesty's Government. It is at least possible that he does not realise, or may have forgotten, to what an extent the hands of the French Government are tied, and how impossible it is for them honourably to evade now obligations which they assumed in the past in return for definite advantages which they still enjoy. He may of course believe that he is able to bring forward adequate reasons in justification of the present attitude of the French Government, but, if so, it is surprising that silence should have been kept so long. It seems to me useless, if the French Government hold the views attributed to them by Count Peretti, for His Majesty's Government to adopt the suggestion that they should put forward proposals for a scheme of genuine internationalisation, since any such proposals would inevitably be rejected by the French Government, and matters would not have advanced one step. On the other hand, a real advance would be made if your Lordship were able, after frank and full discussion with M. Poincaré, to report the existence of some common ground on which the two parties were in agreement, and which might provide a reasonable basis for a conference. Should this unfortunately prove to be impossible, I rely on your Excellency to leave no doubt in M. Poincaré's mind that His Majesty's Government are in earnest, and that they are firmly resolved neither to allow the matter to drop nor to wait until continued French encroachments upon international rights at Tangier have achieved the result which the Government of the Republic give so many indications of a desire and intention to bring about.

I am, &c.
CURZON OF KEDLESTON.

* See No. 12.

[E 3255/1/16] No. 17.

Lord Hardinge to the Marquess Curzon of Kedleston.—(*Received March* 25.)

(No. 742.)
My Lord, *Paris, March* 23, 1922.

I HAD the honour to forward to you in my despatch No. 667 of the 16th March a copy of the communication which, in accordance with your Lordship's instructions, I made on that date to the French Government in regard to the recognition of Egypt as an independent sovereign State.

I have now the honour to transmit to you herewith a copy of the French Government's reply. Your Lordship will observe that, while assuring me that the French Government will examine in the most friendly spirit the questions raised by this declaration (notably in respect of the protection of foreign interests and of the question of communications), M. Poincaré expresses the conviction that in return His Majesty's Government will adopt a similar attitude in considering the closing of the British consular courts in the French zone in Morocco and the French view respecting the settlement of the Tangier question. This intimation appears to me highly significant.

I have, &c.
HARDINGE OF PENSHURST.

Enclosure in No. 17.

M. Poincaré to Lord Hardinge.

Ministère des Affaires étrangères,
M. l'Ambassadeur, *Paris, le 22 mars* 1922.

PAR sa lettre du 16 de ce mois, votre Excellence a bien voulu me faire savoir que le Gouvernement de Sa Majesté a décidé de mettre fin au protectorat qu'il avait institué sur l'Égypte le 18 décembre 1914, et me faire part des conditions auxquelles seront soumises les relations des autres Puissances avec le nouvel État.

J'ai l'honneur d'accuser réception de cette communication et d'en remercier votre Excellence.

Le Gouvernement de la République, fidèle à l'esprit des accords du 8 avril 1904, est tout disposé à reconnaître en Égypte au Gouvernement de Sa Majesté britannique, sous le nouveau régime, les droits qu'il eût tenus de l'exercice régulier du protectorat. Il examinera dans l'esprit le plus amical les points visés dans la déclaration de reconnaissance du nouveau royaume, notamment la protection des intérêts étrangers et la question des communications. Il ne doute pas qu'en retour le Gouvernement britannique n'apporte les mêmes dispositions à donner ses conséquences à la reconnaissance du protectorat français sur le Maroc en fermant les tribunaux consulaires britanniques dans la zone française de l'Empire chérifien, et à seconder les vues du Gouvernement de la République dans le règlement de la question de Tanger.

Veuillez agréer, &c.
POINCARÉ.

[E 3452/1/16] No. 18.

Lord Hardinge to the Marquess Curzon of Kedleston.—(*Received March* 31.)

(No. 793.)
My Lord, *Paris, March* 29, 1922.

YOUR Lordship will no doubt have observed that in the concluding paragraph of M. Poincaré's note of the 22nd March, of which I had the honour to forward a copy in my despatch No. 742 of the 23rd instant, he expressed the readiness of the French Government to accept the claims of His Majesty's Government under the new régime in Egypt, and to examine in the most friendly manner the points raised in their recent declaration. He attached, however, to these assurances the conditions that His Majesty's Government should agree, as a corollary to the recognition of the French protectorate in Morocco, to the abolition of the consular courts in the French zone and the acceptance of the French views as to the future status of Tangier.

The two points mentioned by the French Government as requiring special consideration are the protection of foreign interests in Egypt and the question of the safeguarding of British communications with the Far East.

If the protection of foreign interests in Egypt implies the abolition of their capitulary privileges in that country, the French Government must be perfectly well aware that the secret article No. 2 of the Declaration of the 8th April, 1904, provides the necessary formula for obtaining from His Majesty's Government a similar privilege in Morocco, but the terms of the article in question seem to me to preclude the abolition of capitulary rights, whether in Egypt or Morocco, being treated as an object for bargain in any other question, such as that of the status of Tangier. I should, however, be glad to know whether, under the terms of His Majesty's Government's recent declaration to Egypt, French privileges in that country are to remain intact for the time being, and it seems to me that until this point has been made clear it would be useless for me to carry out the instructions contained in your Lordship's despatch No. 793 of the 20th March relating to the future status of Tangier.

As to the clause in the recent declaration, maintaining the right of His Majesty's Government to secure the communications of the Empire in Egypt, it would seem apparent that the French Government mean to dispute the legality of the occupation of the Suez Canal by British troops as constituting a threat to the freedom of communication between France and her colonies, unless we are prepared to make concessions in the case of Tangier. In accordance with article 109 of the Treaty of Sèvres the Powers conferred upon Turkey by the Convention of 1888 to defend the Canal and garrison its parts are renounced in favour of His Majesty's Government. In view of the fact that this treaty is unratified and now subject to revision, I should hesitate to discuss this matter with M. Poincaré, should he mention it, without more detailed knowledge of the position which we should take up.

I do not see that His Majesty's Government are under any obligation to connect Moroccan issues with Egyptian at the present moment. but I should like to be sure of my ground before entering on what is undoubtedly an attempt on the part of the French Government to force upon His Majesty's Government the acceptance of a new policy affecting the future status of Tangier.

I have, &c.

HARDINGE OF PENSHURST.

[E 3452/1/16] No. 19.

The Marquess Curzon of Kedleston to Lord Hardinge (Paris).

[By Bag.]

(No. 119.)
(Telegraphic.) *Foreign Office, April 6, 1922.*

MY despatch No. 934 of 1st April will have furnished the reply to the points raised by your Lordship in your despatch No. 793 of 29th March with regard to the attitude of the French Government towards the termination of the protectorate over Egypt, and will enable you to proceed with the execution of the instructions contained in my despatch No. 793 of 20th March, defining attitude of His Majesty's Government towards question of Tangier.

[W 3186/197/28] No. 20.

Lord Hardinge to the Marquess Curzon of Kedleston.—(*Received April 12.*)

(No. 917.)
My Lord, *Paris, April 11, 1922.*

YOUR Lordship will remember that in my despatch No. 793 of the 29th March, I considered it desirable that certain points raised in M. Poincaré's note of the 22nd March (enclosed in my despatch No. 742 of the 23rd instant) should be elucidated before I carried out the instructions contained in your despatch No. 793 of the 20th ultimo. These points were cleared up by your Lordship's despatch No. 934 of the 1st April. and I lost no time in asking M. Poincaré to grant me an interview in

order that I might discuss with him the question of the status of Tangier. His Excellency asked that I should postpone my interview until after the adjournment of the Chamber of Deputies, and, as the adjournment took place on Saturday last, I called on M. Poincaré this morning.

In opening the conversation, I told M. Poincaré that it had been constantly put forward by the French press and also by M. Peretti, at least on one occasion, that the sovereignty of the Sultan of Morocco over Tangier must be maintained at all costs, thereby implying that there was danger of its non-recognition I said that I wished in the first place to dissipate such a fear. His Majesty's Government recognised that Tangier and its zone form part of His Majesty's dominions just as much as the French and Spanish zones in Morocco. No one denied the sovereignty of the Sultan over the French and Spanish zones, though it is exercised on the advice of a French High Commissioner in one case and on the advice of the Spanish Government tendered to the Sultan's Khalifa on the other. All that His Majesty's Government asked is that the Sultan's sovereignty over Tangier should be exercised in an analogous manner on the advice of an international body tendered to a Moorish khalifa. There was no question of the disappearance of the Shereefian flag from Tangier as suggested in the memorandum of the French Government of the 5th September, 1921. Consequently there could be no question of a curtailment of the Sultan's sovereignty over Tangier.

To this M. Poincaré replied that the Sultan's sovereignty over Tangier would in that case depend on the attitude of the Khalifa towards the Sultan, and he remarked that this was a doubtful proposition, as shown in the Spanish zone, where the Khalifa is often in active opposition to the Sultan. I remarked that the Khalifa is, however, the Sultan's nominee. He admitted this to be the case, but stated that when once appointed as Khalifa he could no longer be removed. I remarked that I did not consider that this could be regarded as a very serious objection.

I then proceeded to point out to M. Poincaré that His Majesty's Government have never been able to understand the grounds on which the French Government maintain that they are free in 1922 to disregard the pledges which were binding in the years preceding the war. Pledges to internationalise Tangier were definitely given to the British and Spanish Governments by the French Government before the war, and nothing had since occurred to absolve the latter from carrying them out. If it had been the German Government who had insisted on internationalisation, the French attitude might have been intelligible, but the pledges were given to the British and Spanish Governments. I recalled to M. Poincaré the statement made by him to Lord Bertie in February 1912 that Tangier was to be internationalised, and also an admission contained in the official memorandum communicated by the French Chargé d'Affaires in London on the 27th August, 1912, in which it was stated that the obligation to internationalise or to neutralise Tangier had been contracted with Great Britain and Spain and with no other Power. This latter memorandum also emanated from the Quai d'Orsay during its tenancy by M. Poincaré. I further added that it was possible that M. Poincaré had forgotten that the recognition of the French and Spanish protectorates had been made conditional on the definite conclusion of an arrangement for the internationalisation of Tangier and that in reply to the explicit assurances given by M. Delcassé in his note of the 23rd December, 1914, His Majesty's Government had recognised the French protectorate over the French zone in Morocco. I remarked at the same time that it was impossible for the French Government now to evade obligations assumed in the past in return for definite advantages which they still enjoyed.

M. Poincaré replied that he remembered perfectly well the facts quoted by me as having taken place in 1912, but he added that events have changed since then and a war has taken place modifying the whole European situation and annulling the Act of Algeciras. He would not go into the question deeply at the present moment because he would prefer to answer me in writing, but he would like to remind me that the question of Tangier was intimately connected with that of Egypt, upon which he also intended to address me in the near future.

I remarked in reply that the Act of Algeciras had really nothing to do with the question at issue, since the British claim to internationalisation was not based on that Act but on the Franco-Spanish Convention of 1904 which had been communicated officially to His Majesty's Government. I further reminded him that the French scheme put forward on the 15th December last had been declared inacceptable since it did not even pretend to provide genuine internationalisation. I emphasised the fact that it would be quite useless to summon a conference to meet in London to discuss details of internationalisation when one of the parties was not prepared to admit the

principle. It would therefore be necessary to find some common ground on which the British and French Governments would be in agreement and which might provide a reasonable basis for a conference.

To this M. Poincaré answered that the views of the two Governments appeared to him to be so far apart that it would be very difficult to find any common basis of agreement. Public opinion in France was agitated on the subject of Tangier and strongly opposed to internationalisation. He had had three interpellations in the Chamber on the subject, and it was evident to him that the Chamber would not tolerate internationalisation. Although I was at liberty to say that the question of Tangier was not associated with that of Egypt, he affirmed that they were very closely bound together, in particular by the agreement of 1904. He reminded me that, according to our treaties, we had also certain obligations towards France, and amongst them was the question of maintaining troops on the Suez Canal. He had, he said, no intention of opposing what he considered to be a breach of the treaty in the presence of British soldiers guarding the Canal, since he recognised that it was absolutely essential for our position in Egypt that they should be there ; but he counted therefore upon our being more amenable to the French attitude respecting Tangier, which he regarded as a parallel case. He added that yesterday the President of the Republic had received Mr. Robertson at Rabat, in spite of the fact that he had received instructions to absent himself. M. Millerand had discussed with him the question of Tangier, and from what Mr. Robertson had said to him it appeared to M. Millerand that the question was one purely of a strategical character, and, if that were the case, M. Poincaré said that there would be no difficulty whatever in satisfying His Majesty's Government. I replied to M. Poincaré that either M. Millerand or Mr. Robertson was mistaken, since I knew for a fact that the interest of His Majesty's Government in Tangier was not confined to its strategical importance, but that it had also a very important economic bearing, which His Majesty's Government were not disposed to ignore. As for the parallelism between Egypt and Tangier, I had no authority to discuss it with him, although I would at any time be ready to transmit his views on the subject to your Lordship with a view to their discussion. He remarked that he would not fail to do so in the near future.

Finally, I made very clear to M. Poincaré that, while His Majesty's Government are most anxious for a friendly agreement with the Government of the Republic on the question of the statute of Tangier, they are in serious earnest in their determination to maintain the obligations contracted by France towards them.

In taking leave of M. Poincaré, he said that it was obvious that a friendly solution should be found to this question, which was now practically the only one pending between the two Governments upon which an understanding had not yet been arrived at.

I enclose copy of a memorandum of my conversation that I left with M. Poincaré.

I have, &c.
HARDINGE OF PENSHURST.

Enclosure in No. 20.

Memorandum.

ON a constamment avancé, dans la presse française et autre part, la nécessité de maintenir la souveraineté sur Tanger du Sultan du Maroc. Le Gouvernement de Sa Majesté britannique reconnaît que Tanger et sa zone, tout autant que les zones française et espagnole au Maroc, font partie des États de Sa Majesté le Sultan. Personne ne conteste la souveraineté du Sultan sur les zones française et espagnole, bien qu'elle soit exercée, dans le premier cas, par l'intermédiaire d'un Haut-Commissaire français, et, dans le second, par l'intermédiaire du Gouvernement espagnol auprès du Khalifa du Sultan. Tout ce que demande le Gouvernement de Sa Majesté britannique est de voir la souveraineté du Sultan sur Tanger s'exercer d'une manière analogue, par l'intermédiaire d'un corps international auprès d'un Khalifa maure. Il ne s'agit aucunement de la disparition de Tanger du drapeau chérifien, comme le paraît craindre le mémorandum français du 5 septembre 1921. Il ne saurait, en conséquence, être question d'une diminution quelconque de la souveraineté du Sultan sur Tanger.

Le Gouvernement de Sa Majesté britannique n'a jamais pu comprendre les raisons qui permettent au Gouvernement français de soutenir qu'il est libre à renier en 1922 des engagements qu'il a pourtant reconnus dans la période qui a précédé la guerre.

Avant la guerre, le Gouvernement français s'est formellement engagé, vis-à-vis des Gouvernements britannique et espagnol, à internationaliser Tanger. Rien ne s'est passé depuis qui puisse le délier de cet engagement. Si c'eût été le Gouvernement allemand qui aurait insisté sur l'internationalisation, l'attitude du Gouvernement français aurait pu être compréhensible, mais c'est vis-à vis des Gouvernements britannique et espagnol qu'il a pris ces engagements. Il n'est guère nécessaire de rappeler la déclaration faite par M. Poincaré à Lord Bertie en février 1912, selon laquelle Tanger devait être internationalisé ; ni l'admission renfermée dans le mémorandum officiel français (communiqué par le Chargé d'Affaires français à Londres le 27 août 1912), où il est dit que le Gouvernement français " n'a assumé le devoir d'internationaliser ou de neutraliser Tanger . . . . envers aucune des autres Puissances . . . . la Grande-Bretagne et l'Espagne exceptées." C'est possible que M. Poincaré ait oublié que la reconnaissance des protectorats français et espagnol par le Gouvernement britannique a été soumise à la condition de la conclusion définitive d'un arrangement satisfaisant pour l'internationalisation de Tanger. Par suite aux assurances catégoriques données par M. Delcassé dans sa note du 23 décembre 1914, le Gouvernement de Sa Majesté britannique a reconnu le protectorat français sur la zone française au Maroc. Le Gouvernement français ne s'est peut-être pas rendu compte combien il lui sera difficile de se soustraire maintenant à des obligations acceptées dans le passé en échange de certains avantages définitifs dont il jouit actuellement.

Le Gouvernement britannique a qualifié d'inacceptable le projet français qui a été avancé le 15 décembre dernier, celui-ci n'ayant même pas la prétention de prévoir une internationalisation véritable. Il serait, en effet, inutile de convoquer une conférence pour discuter des détails d'internationalisation alors qu'une des parties n'est pas prête à en admettre le principe. Il faut donc trouver un terrain commun sur lequel les Gouvernements français et britannique sont d'accord et qui pourrait fournir une base raisonnable pour une conférence.

Le Gouvernement de Sa Majesté britannique, tout en étant vivement désireux d'arriver à un accord amical avec le Gouvernement de la République sur la question d'un statut pour Tanger, a la détermination la plus sérieuse de maintenir les obligations contractées envers lui.

Ambassade d'Angleterre, Paris,
le 10 *avril* 1922.

[**W 3187/197/28**] No. 21.

Lord Hardinge to the Marquess Curzon of Kedleston.—(*Received April* 12.)

(No. 918. Confidential.)

My Lord, *Paris, April* 11, 1922.

FROM information that I have obtained privately, I have reason to believe that the French Government are in search of a solution of the Tangier question by which it might be possible to meet the views of His Majesty's Government as far as they are not in direct conflict with those of the Government of the Republic.

M. Phillip Millet, the writer in the "Petit Parisien," was in 1917 in some official capacity at the Quai d'Orsay, and I am told that he studied the Tangier question *au fond* with Colonel Amery, who was also in Paris on one of the British military missions. He is said to have written a memorandum on the subject for the Quai d'Orsay at that time.

It appears that the other day he was asked to advise what he thought might be acceptable in the last resort to both His Majesty's Government and the French Government. He furnished a memorandum of which I have been able privately to obtain a copy, enclosed herewith, and which I request may be treated as strictly confidential. This memorandum appears to me to be worthy of study, though I understand that the French Government would not begin by offering such terms, but that ultimately, if they should prove acceptable to His Majesty's Government, they would also be disposed to adopt them.

I have, &c.
HARDINGE OF PENSHURST.

Enclosure in No. 21.

Memorandum.

Le Règlement de la Question de Tanger.

ON peut résumer d'un mot la question de Tanger, en disant que l'Angleterre réclame l'internationalisation absolue et que la France ne peut consentir qu'à une internationalisation limitée.

Les deux intérêts vitaux dont la France doit tenir compte dans cette affaire sont :

1. Éviter qu'une atteinte soit portée au prestige du Sultan du Maroc ;
2. Éviter que Tanger devienne un foyer d'intrigues dangereuses pour toute l'Afrique du Nord. Ce danger, qui est apparu pendant la guerre, est destiné à s'accroître quand le Chemin de Fer de Tanger à Fez aura relié cette ville au réseau français de l'Afrique du Nord.

A ces deux considérations principales s'ajoute, bien entendu, la considération des intérêts économiques que la France possède à Tanger et qu'il s'agit de sauvegarder.

Partant de là, on peut prévoir quelles sont les concessions que la France peut faire au point de vue britannique et quelles sont celles qu'elle doit refuser.

1. *Concessions que peut faire la France.*

La France peut consentir à des mesures précises pour la neutralisation maritime de Tanger et à l'internationalisation d'une municipalité investie de pouvoirs étendus.

(a.) *Neutralisation :* La France peut s'engager à respecter la neutralité maritime de Tanger. Elle peut aller plus loin. Elle peut donner sur ce point des garanties, par exemple en consentant à l'organisation d'un contrôle local de la Société des Nations ou même à celle d'un contrôle naval interallié où l'Angleterre aurait la prépondérance. L'objet de ce contrôle serait d'empêcher non seulement la construction de fortifications sur la côte, mais la création d'une base pour les sous-marins.

(b.) *Internationalisation de la Municipalité.*—La municipalité internationale où les colonies seraient représentées proportionnellement à leur importance pourrait recevoir les pouvoirs suivants :

(1.) Droit d'établir et de percevoir les impôts ;
(2.) Droit d'entretenir une police urbaine ;
(3.) Droit de présenter à la signature du Sultan des concessions économiques jusqu'à concurrence d'un certain chiffre. Au delà de ce chiffre les concessions pourraient être présentées par le Corps diplomatique.
(4.) Constitution éventuelle d'un tribunal international destiné à remplacer les tribunaux consulaires.

2. *Concessions que la France doit refuser.*

La France doit réserver au Sultan du Maroc les droits d'Etat suivants :

(1.) Droit de garder en main l'autorité militaire tout au moins dans la zone urbaine, ne fût-ce qu'afin d'épargner à Tanger les mésaventures de Melilla. Sur ce point la France ne saurait descendre au dessous de ce qui existe actuellement : tabord espagnol de 250 hommes dans la ville ; tabord français de 500 hommes avec artillerie autour de la ville. Ces forces devraient d'ailleurs pouvoir être augmentées en temps de guerre.
(2.) Droit de véto pour le Sultan en matière de concessions afin d'éviter les entreprises économiques préjudiciables aux intérêts politiques du Maroc français.
(3.) Droit d'expulser en tout temps les sujets marocains indésirables qui viendraient se réfugier à Tanger.
(4.) En temps de guerre, droit de proclamer l'état de siège et de prendre toute mesure d'expulsion nécessaire contre les Européens indésirables.

[C 5922/458/62] No. 22.

Lord Hardinge to the Marquess Curzon of Kedleston.—(*Received April* 24.)

(No. 1002.)

My Lord, *Paris, April* 22, 1922.

AS, with your Lordship's permission, I intend to absent myself for a few days from Paris, I called this morning on the President of the Council and told him that, although I myself had no communication of any importance to make to him, he might perhaps like to charge me with some message for you.

He replied that, in the first place, he would like to convey to you his profound regret at your continued ill-health and his hopes for your speedy recovery. He remarked that he had just seen the King of the Belgians, who was suffering acutely from the same ailment. He then proceeded to mention that the most important questions now at issue between the two Governments were those of the Near East and of the Anglo-French Pact. He considered that it would probably be necessary to have another meeting before long to bring these questions to a satisfactory issue. He also mentioned the question of the aeronautical control at Berlin, which he regarded as a very urgent matter in view of the near approach of the 5th May, which has been fixed for the abolition of the existing commission.

I told him that, in view of the fact that the German Ambassador had acknowledged the receipt of the note addressed to him by the president of the Ambassadors' Conference, I was of opinion that this acknowledgment might be regarded as that of the German Government, and that I had recommended to you that the Allied Powers should at once announce to the German Government the names of the new members of the Commission of Guarantee and assume that the German Government had raised no objection to the new proposal. It was obviously very necessary to prevent any hiatus between the old and new régimes.

M. Poincaré considered the suggestion a good one. He then remarked that at the Genoa Conference things had not proceeded as had been anticipated. The German-Soviet Treaty of Rapallo was, in the opinion of the French Government, contrary to the Treaty of Versailles, not only as an infraction of article 260 but also of article 116 of the treaty. I said that, although I was cognisant of the question of the infraction of article 260, I was unaware how the Treaty of Rapallo infringed article 116.

He therefore proceeded to read to me the article of the treaty, and pointed out that, Poland having been a part of Russia, the Treaty of Rapallo exonerated Germany from paying to Poland the reparations that were due to her. Such a decision would be injurious not only to Poland, but to the other Allied Powers, who would have to make Poland's losses good. He said that it was all very well to say that the conference at Genoa and its decisions were outside and had nothing to do with the Treaty of Versailles, but it was necessary for the Allied Powers to take steps to maintain their rights intact, and that it might be necessary to take strong action to enforce them. The reply of the Soviets could hardly be more unsatisfactory, for they asked for immediate recognition by the Powers without any sort of guarantees from their side. He could not believe that Mr. Lloyd George would agree to such recognition in view of the statements that he had made in the House of Commons, and consequently he could not see what advantage was to be derived from the conference and from the presence there of the Soviets.

I remarked that I was confident that the Prime Minister would maintain in their entirety the promises he had made to M. Poincaré and the statements contained in his speeches in the House of Commons, but that in any case if, as the result of the conference, he succeeded in obtaining an agreement from the thirty-three Powers there represented to abstain from any aggressive action against each other for the space of ten years, a very considerable step of great value would have been made in the path of peace.

He replied that without guarantees any such agreement would be valueless. To this I remarked that such an agreement could not fail to be of great moral force. He said further that in any case he could not admit that if such an agreement were made it would in any way vitiate the right of the Allies to exact sanctions from Germany in the event of her failing to execute the treaty, and that he gathered the Prime Minister was of the same opinion. I expressed the hope that such a question might not arise, but that, if it did, great prudence would be necessary. He answered that it might well arise at the end of May.

I then remarked that so far I had received no reply to the representations I had made to him on the subject of Tangier. He replied that the views of the two Governments appeared, from what I had said to him, to be so divergent that it would be almost impossible to find a common basis for discussion. Feeling in Morocco had been greatly agitated, and it was so still, by the idea of the diminution of the Sultan's sovereignty, which the internationalisation of Tangier would inevitably entail. Things had changed since 1912, the Sultan had fought as an ally of France, and neither the Sultan nor his subjects could tolerate that Tangier should be governed except through the Resident-General, who was not merely a French official, but also the representative of the Sultan. The only solution, in his opinion, was that of a municipal council, such as had been suggested, in which the economic interests of Great Britain and British subjects would be safeguarded. I told him that such a solution would never be accepted by His Majesty's Government, and that there was no question of the diminution of the Sultan's authority, and that under a foreign system of administration Tangier would not be in a worse position than the Spanish zone. He replied that the situation in the Spanish zone was a source of trouble to the Sultan in view of the pretensions of the Khalifa to be independent of the Sultan. He saw no basis on which discussion could be started which could end in a satisfactory result, and he thought that perhaps the best course would be to let things go on as they are. I told him that I did not think that possible, and that Great Britain had important interests, both economic and strategic, which we were bound to defend. He at once replied that, so far as strategic considerations were concerned, he would give His Majesty's Government any guarantees they liked, as France had no aggressive designs against Great Britain, and that, just as he had accepted our views with regard to Egypt, where French interests were considerable, he trusted that we also would make some concessions to the French Government in connection with Tangier. He added that he was convinced that, with goodwill on both sides, a solution could be found.

The only conclusion that I draw from this conversation is that, if it is the desire of His Majesty's Government to obtain a satisfactory solution of the questions pending between England and France, it is absolutely essential to hold the Anglo-French Pact in reserve, since the conclusion of the Treaty of Rapallo has made the pact a still more vital question for France than it was before.

I have, &c.
HARDINGE OF PENSHURST.

[W 3907/197/28] No. 23.

Mr. Robertson to the Marquess Curzon of Kedleston.—(*Received May* 9.)

(No. 169.)
My Lord, *Tangier, April* 26, 1922.

I HAVE the honour to forward to your Lordship herewith a draft convention for the settlement of the Tangier question, which I have drawn up in consultation with Mr. Villiers.

I have, &c.
ARNOLD ROBERTSON.

Enclosure in No. 23.

Draft Convention for the Institution of a Municipality at Tangier.

DESIROUS of giving to Tangier the special régime foreseen in article 9 of the Franco-Spanish Convention of the 3rd October, 1904, in article 1 of the Franco-Moorish Treaty of the 30th March, 1912, and in article 7 of the Franco-Spanish Treaty of the 27th November, 1912, His Majesty the King of the United Kingdom,
, His Majesty the King of Spain, and the President of the French Republic have appointed as their plenipotentiaries for this purpose :

Who, after having communicated to each other their full powers, which have been found in good and true form, have agreed upon and signed the following articles :—

ARTICLE 1.

For the purposes of the present convention, the Tangier zone of the Shereefian Empire shall be comprised within the following limits :—

Starting from Punta Altares on the southern shore of the Straits of Gibraltar, the frontier shall pass in a straight line along the crest of the Gibel Beni Meyimel, passing to the east of the village of Dshar-ez-Zeitun, and shall thence follow the boundary line between the Fahhz on the one side and the Anjera and Wad Ras tribes on the other, until it reaches the Wad-es-Saghir. Thence the frontier shall follow the thalweg of the Wad-es-Saghir and then those of the Wad Mharhar and the Wad Tzahadartz to the sea.

The delimitation shall be identical with that marked on the Spanish General Staff map " Croquis del Imperio de Marruecos," scale 1/100,000, 1906 edition.

ARTICLE 2.

The Tangier zone shall form an integral part of the dominions of the Sultan of Morocco and shall remain under the sovereignty of His Shereefian Majesty. The spiritual authority of His Shereefian Majesty, the respect due to him, and his traditional prestige shall remain unaffected by the terms of the present convention. The free exercise of the Mussulman religion and the rights and authority of religious institutions, in particular of the Habous, shall continue as heretofore.

ARTICLE 3.

The Tangier zone shall be permanently neutralised. No operations of war, whether by land, sea or air, shall be undertaken against, within or from the zone. No military or naval works of any kind shall be erected within it. It is, however, agreed that the municipality referred to later in article 6 may take such measures as it may consider necessary for the defence of the zone against the incursions of hostile tribes, including the erection of minor fortifications.

ARTICLE 4.

In the event of war breaking out between two or more of the Powers represented on the Committee of Control referred to in article 6 and subsequent articles, the League of Nations shall be invited to take any steps that it may deem necessary with a view of assuring the complete neutralisation of the zone and its satisfactory administration in the spirit of the present convention.

ARTICLE 5.

The Tangier zone shall not be used, either in time of peace or of war, for purposes of espionage or intrigue against foreign Governments or against the authorities of the French or Spanish zones. It shall be open to foreign Governments and to the authorities of the French and Spanish zones to bring before the chairman of the Committee of Control *primâ facie* evidence of espionage or intrigue on the part of any person or persons of whatever nationality in the Tangier zone. In that event proceedings *in camerâ* against the person or persons so accused shall be instituted immediately in the Court of Tangier. Should the charge be proved, the guilty person or persons shall be expelled from the Tangier zone forthwith.

ARTICLE 6.

The temporal authority of His Shereefian Majesty and all the rights, duties and obligations of the Makhzen in the Tangier zone shall be delegated by dahir to a municipality consisting of a Committee of Control and of an elected council. It shall be the duty of the municipality to assure public order, introduce such administrative, economic, financial, educational and judicial measures as it may consider necessary, and notably to impose and levy taxes which shall be applicable to the subjects and citizens of all countries.

ARTICLE 7.

The Sultan of Morocco shall be represented in the Tangier zone by a Khalifa, who shall be *ex officio* a member of the Committee of Control. The Khalifa shall be nominated by the Sultan on and with the advice and consent of a majority of the other

members of the Committee of Control. He shall be removed from office and a new Khalifa appointed at the request of the above-mentioned majority. Otherwise he shall not be so removed except with their consent.

ARTICLE 8.

All laws, rules and regulations applicable to the zone of Tangier shall be issued by the Sultan's Khalifa, in the name of His Shereefian Majesty, by and with the advice and consent of the Committee of Control and of the Municipal Council, or of the Committee of Control only in matters appertaining to its sole jurisdiction under the present convention.

ARTICLE 9.

Regulations issued by the Shereefian Government under article 143 of the Treaty of Versailles shall be communicated to the Committee of Control and be applied automatically in the Tangier zone.

No other decrees, edicts, ordinances or instruments of any kind, issued by His Shereefian Majesty or by his Ministers, shall be applied to the Tangier zone, nor shall any concession be granted for public or private services or works within the zone, except with the consent of the Committee of Control. When that consent has been obtained they shall be promulgated by the Khalifa in the manner laid down in article 8.

ARTICLE 10.

International treaties, conventions and agreements concluded in future by the Government of His Shereefian Majesty shall be communicated to the Committee of Control by that Government and shall apply to the zone of Tangier, unless objection be raised by the committee within one month of the date of such communication.

By way of exception, however—

1. Modifications of the customs tariff,
2. Regulations affecting the working of the Shereefian posts and telegraphs with foreign countries and their tariffs,

shall, if applied in both the French and Spanish zones, apply also to the zone of Tangier, after communication to the Committee of Control.

In the event of its proving impossible to arrange, by friendly negotiation between the Government of His Shereefian Majesty and the Committee of Control, whether or not an international engagement concluded by the former shall apply to the Tangier zone, the matter shall be referred to the Council of the League of Nations, whose decision shall be final and binding upon both parties.

ARTICLE 11.

All unsold Makhzen properties within the Tangier zone and all moneys derived from the sale of Makhzen properties in the Tangier zone within the last five years shall be handed over by the Makhzen to the municipality.

All moneys derived from the liquidation of sequestrated German properties in the Tangier zone shall similarly be handed over by the Makhzen to the municipality.

Committee of Control.

ARTICLE 12.

The Committee of Control shall consist of seven members, viz.:—

The Sultan's Khalifa, who shall be honorary president of the committee;
One member nominated by the Council of the League of Nations, who shall be permanent chairman of the committee;
Three members nominated respectively by the British, French and Spanish Governments;
Two members nominated respectively by the United States and Italian Governments.

Should either or both the United States and Italian Governments decline to nominate a member, the Council of the League of Nations shall be invited to nominate one or two members, as the case may be, in substitution, on the condition that the member or members thus nominated shall be of a nationality different from that of any other member of the committee.

ARTICLE 13.

It shall be the duty of the Committee of Control to supervise the execution of the present convention and generally, to carry out the duties entrusted to it thereby, to represent the municipality in its relations with the Government of His Shereefian Majesty and the authorities of the French and Spanish zones, and to draw up rules and regulations for the elections of the Municipal Council.

ARTICLE 14.

The Committee of Control shall have the power of veto over all legislation passed by the municipality. Decisions of the committee shall be adopted by majority of votes. In the case of the illness or absence of a member of the committee from Tangier, he shall nominate a substitute to attend meetings of the committee and act for him in his absence. The name of this substitute must previously be communicated in writing to the chairman of the committee.

ARTICLE 15.

The committee shall draw up its own rules of procedure and, subject to the consent of the Governments concerned as regards numbers and salary, shall appoint the secretarial staff which it may consider necessary for the proper fulfilment of its duties, the strictest regard being paid to economy.

ARTICLE 16.

The salaries of the members of the committee and of their substitutes shall be paid by the League of Nations and the six Governments concerned respectively. Those of the secretarial staff shall be paid by the League of Nations and the six nations in equal proportions.

The members of the committee, their substitutes and the secretarial staff shall enjoy diplomatic privileges and immunities.

Municipal Council.

ARTICLE 17.

The Municipal Council shall consist of thirty elected members, of whom six shall be Mussulmans, citizens of the Tangier zone, three Jews, citizens of the Tangier zone, six French, six Spanish and three British, the members of each nationality being elected by their own electoral college. The remaining six members shall be drawn from other nationalities and shall be elected by an electoral college composed of those nationalities.

The constitution of the Municipal Council as laid down above shall be subject to revision by the Committee of Control at intervals of not less than six years, but any alteration shall require the consent of the League of Nations.

ARTICLE 18.

Subject to the provisions of article 17, rules and regulations for the elections, which must take place every three years, shall be drawn up by the Committee of Control.

ARTICLE 19.

The Municipal Council shall set up its own departmental and secretarial organisation, and shall draw up its own rules of procedure. It shall elect a president and vice-president, the former of whom, or, in his absence, the latter, shall be considered to be its representative for all purposes and notably in its relations with the Committee of Control.

On the establishment of the above-mentioned organisation, the various committees now functioning in the Tangier zone, such as the Comité spécial des Travaux publics, the Comité d'Hygiène, the Comité général des Adjudications et des Marchés, the Comité permanent des Douanes, the Commission des Valeurs douanières, shall cease to exist.

ARTICLE 20.

It shall be the duty of the Municipal Council, subject only to the veto of the Committee of Control, to pass all legislation which it may consider necessary for administrative, economic, financial, educational, or judicial purposes, and which does not conflict with the letter or the spirit of the present convention.

ARTICLE 21.

All concessions in the Tangier zone granted up to the 1st May, 1922, and published in the " Bulletin officiel " before that date shall continue in full force, but the Municipal Council may, through its authorised representative, enter into negotiations with the concessionnaires with a view to the modification of the terms of the concession, should it so desire. In cases where the modification of a concession requires the consent of the authorities of the French or Spanish zones, the negotiations shall be carried on by the Committee of Control.

As regards the State Bank of Morocco and the Société internationale de Régie coïntéressée des Tabacs au Maroc, whose concessions extend to the whole of Morocco, it is agreed that a percentage of dues on account of the operations of those concerns within the zone of Tangier shall accrue to the municipality. Negotiations with a view of fixing this percentage shall be initiated as soon as possible between the Committee of Control and the authorities concerned.

Customs.

ARTICLE 22.

The Shereefian customs at the port of Tangier shall be under the control of an inspector-general appointed by the League of Nations, who shall appoint his own staff subject to the approval, as regards numbers and salaries, of the Committee of Control.

The salary of the inspector-general shall be paid by the League of Nations and the salaries of the staff out of the share of the customs receipts which falls to the Tangier zone.

ARTICLE 23.

The whole of the special tax of 2½ per cent. collected at the Shereefian custom-house at Tangier shall accrue to the municipality, irrespective of the eventual destination of the merchandise.

The remaining customs receipts shall be divided between the Tangier zone and the French and Spanish zones proportionally, according to the ultimate destination of the merchandise.

Delegates from the customs administrations of the French and Spanish zones shall meet the inspector-general periodically at Tangier with a view of fixing the proportion due to each zone, assuring the uniform application of the tariff in all three zones, and exchanging information of general interest to the customs service of Morocco. The expenses of collecting the customs duties at Tangier shall be divided between the three zones in an exactly similar manner.

ARTICLE 24.

The amount payable by the Tangier zone towards the services of the Franco-Moorish loans of 1904 and 1910 shall be a first charge on the customs receipts retained by that zone, as laid down in article 23. This amount shall bear the same ratio to the total amount required for the services of the loans as the customs receipts retained by the Tangier zone shall bear to the total customs receipts of the French zone, including the receipt of Oujda and other custom-houses on the Algerian frontier of Morocco and the receipts transferred to the French protectorate as laid down in article 23. The amount in question shall be fixed annually at a meeting between the inspector-general at Tangier and representatives of the customs authorities of the French zone and of the Contrôle de la Dette.

Police.

ARTICLE 25.

With a view of assuring the peace and safety of the Tangier zone, a military police force of 500 non-commissioned officers and men shall be created under the command of an officer to be designated by the League of Nations, who shall not be of British, French or Spanish nationality. This officer shall select his own subordinates, subject to the approval of the Committee of Control as regards numbers. The pay of all ranks, including the commanding officer, shall be fixed and paid by the municipality. The Committee of Control shall have supreme direction of the force.

The force shall be recruited as far as possible from the present French and Spanish tabors, which shall be disbanded on its creation.

For ordinary police duties in the town of Tangier a small force shall be instituted by the Municipal Council.

No other forces shall be permitted within the Tangier zone.

ARTICLE 26

The Shereefian Posts and Telegraphs shall have sole control of the postal and telegraph services in the Tangier zone, and all foreign postal agencies shall be abolished in that zone.

ARTICLE 27.

In view of the fact that the Makhzen are prepared to guarantee the loan required for the construction of port works at Tangier, His Britannic Majesty's Government and the Spanish Government are ready to withdraw their objections to the concession granted by the Makhzen on the 2nd June, 1921, to the Société internationale pour le Développement de Tanger, subject to the following four conditions :—

1. The contract for the construction of the port works shall be submitted to public tender and shall be awarded in accordance with the adjudication regulations drawn up under the Act of Algeciras.
2. The right of purchase after fifteen years falling to the Makhzen under the terms of the above-mentioned concession shall be transferred from the Makhzen to the Tangier municipality.
3. The dues payable to the Makhzen under the terms of the concession shall be payable to the Tangier municipality.
4. In the event of complaints being received by the municipality as to the working of the port, especially as regards discrimination between the vessels and goods of different nationalities, the municipality shall have the right to investigate these complaints, and the port authorities shall give the municipality the fullest assistance in so doing. In the event of the justice of any complaint being established to the satisfaction of the municipality, the Makhzen shall undertake to remedy the abuse.

Clauses to the above effect shall be inserted in the concession.

*Judicial Organisation.**

ARTICLE 28.

The jurisdiction of the existing courts of the various religious communities will remain unaltered.

ARTICLE 29.

Criminal cases in which the accused is a Moorish subject, and civil cases in which all the parties are Moorish subjects, will continue to be dealt with by the existing native courts.

Minor offences against municipal regulations enacted by the Municipal Council may, however, be made exclusively justiciable before the courts provided for in article 32, whatever the nationality of the accused.

ARTICLE 30.

Foreign consular officers may deal with questions of personal status and inheritance affecting their own nationals which they are competent to deal with under the law of their own country. If the foreign consular officer concerned is not so competent, or if there is a conflict of jurisdiction, the courts provided for in article 32 shall deal with the case

ARTICLE 31.

Without prejudice to the provisions of articles 28 and 30, criminal cases in which the accused is a foreigner, and civil cases in which any one of the parties is a foreigner, shall be dealt with by the courts provided for in article 32.

ARTICLE 32.

For the purpose of dealing with the cases referred to in article 31, there shall be a Tribunal de Paix and a Tribunal de première Instance, each consisting of one

* N.B.—These provisions are obviously not complete; they are only intended to give an idea of the judicial organisation contemplated. The details would have to be worked out later.

magistrate. These magistrates shall be Europeans, and not nationals of either Great Britain, France or Spain. They shall be appointed for periods of years by the Committee of Control, and may be reappointed.

ARTICLE 33.

[Provision for appeals.—To be considered.]

ARTICLE 34.

For the purpose of articles 28 to 33 the word "foreigner" means a person who is not a Moorish subject.

ARTICLE 35.

Any differences or disputes arising out of the interpretation or the execution of the present convention which cannot be settled by friendly negotiation shall be referred to the Council of the League of Nations, whose decision shall be final and binding on all parties.

ARTICLE 36.

The signatories of the present convention undertake to use their best efforts to obtain the adherence thereto of the League of Nations and of the Powers signatory to the Act of Algeciras, with the exception of Germany and Austria-Hungary.

[**W 4123/197/28**] No. 24.

Memorandum on Draft Tangier Convention.

(Enclosed in Mr. Robertson's Despatch No. 169 of April 26, 1922.)

BY Sir E. Crowe's direction, I suggested to Mr. Robertson when I arrived a few weeks ago at Tangier that he should endeavour to draw up a statute for Tangier on entirely new lines. It was easy enough to explain that the abortive 1914–15 statute satisfied neither the French nor ourselves; the difficulty lay in devising a scheme which would both meet our requirements and enable the French to save their face. The draft convention enclosed in Mr. Robertson's despatch No. 169 of the 26th April is an attempt to meet the difficulty.

2. It is a pity that the word "internationalise" was ever used in connection with Tangier, though no one has been able to suggest a convenient substitute. It conveys the idea of the complete severance of Tangier from the rest of Morocco, the abolition of the Sultan's sovereignty, and the creation of a new State independent of and possibly hostile to the Mahkzen. To none of these will the French ever agree, nor have we any reason to insist thereon. Internationalisation *per se* is not our object; all we want to do is to keep the French out of Tangier and prevent their retaining complete and unfettered control there.

3. There can be little or no doubt that the French are deliberately and consciously working for the consolidation of all their North African possessions into one great Empire under the sovereignty and control of the French Republic. Things are going worse than ever in the Spanish zone. The French have no present intention of putting their hands into the hornets' nest, but sooner or later they may, and probably will, be obliged to do so. They hope to find in North Africa an inexhaustible reserve of men for their army and an inexhaustible market for their exports. Of this great Empire the Sultan of Morocco is to be the spiritual sovereign or Caliph, and this explains the persistence with which the French are putting forward the Sultan and the Makhzen and proclaiming that France is the friend of Islam. The theory is that the French are not governing Morocco, but merely enabling and helping the Sultan and his Ministers to do so. Everything that I heard in Morocco both from Europeans and Moors goes to show that this make-believe deceives no one. It is hardly an exaggeration to say that before 1912, the date of the French protectorate treaty, the Moors never gave a thought to the Sultan of Turkey, whereas now they are beginning to regard the Caliph of Constantinople as their spiritual sovereign. This, however, is another story; the point is that the French will never consent to a nominally independent and nominally international Tangier.

4. In the Robertson draft the words "international" and "internationalise" are never used. On the contrary insistence is laid throughout on the sovereignty of the Sultan over Tangier. The preamble refers not to internationalisation, but to the

"special régime" mentioned in the treaties. Article 2 affirms in the most definite manner the integrity of Morocco and the spiritual authority of the Sultan. The latter is to be represented at Tangier by a Khalifa (article 7), who is to be honorary president of the Committee of Control (article 12), all laws, &c., are to be issued (article 8), and concessions granted (article 9) in the name of the Sultan—not, as in the Spanish zone, by the Spanish Khalifa in his own name. *En passant* it may be observed that the greatest offence has been given in Morocco by the insistence of the Spaniards on the usurpation by the Spanish Khalifa of the Sultan's technical prerogatives such as the issue of dahirs and the use of the Green Umbrella. In articles 22 and 23 reference is made to the *Shereefian* customs at Tangier, and in article 26 to the *Shereefian* posts and telegraphs. In substance we lose nothing by abandoning the word "international," while it enables the French, if they choose, to claim a diplomatic victory, and to assert to the French Chambers that they have been successful in maintaining the integrity of Morocco and the sovereignty of the Sultan.

5. The feature of cardinal importance in the Robertson draft is the position and duties assigned to the League of Nations. The considerations advanced above will have shown why it was necessary to discard any idea of putting Tangier under the League, and asking the latter to take over the administration of the zone. Short of this, however, every effort has been made to use the League. It will appoint the permanent chairman of the Committee of Control (article 12), the inspector-general of the customs (article 22), and the officer commanding the police forces (article 25). In time of war it will intervene to control the complete neutrality of the zone (article 4). Any alteration in the constitution of the municipal council will require its consent (article 17). Differences as to the application of international engagements to the zone and any disputes arising out of the interpretation or execution of the convention will be referred to and decided by it (articles 10 and 35). If the Italian and United States Governments decline to appoint representatives on the Committee of Control, it is the League who will nominate substitutes (article 12). So important, indeed, is the rôle assigned to the League, that should they refuse it, the Robertson draft falls to the ground.

6. The two main British desiderata are neutrality and economic equality. As regards the former, article 3 provides for the permanent neutrality of the zone, and has been drafted to leave no loophole. It is obvious that, short of the maintenance of a large standing army, which is, of course, a grotesque proposition, there can be no means physically of preventing the French at any given moment, whether in time of peace or war, from rushing forces into the zone and seizing Tangier. But surely they will think very seriously, especially in time of war when it is so immensely important to conciliate neutral opinion, before they commit an armed attack on the League of Nations and all the Great Powers at one fell swoop. The outrage could hardly pass unnoticed, and of this the French will be well aware. If the League is to be more than a mere fiction, no better way of ensuring the neutrality of Tangier could be devised than to arrange for the direct intervention of the League in the event of war between any of the Powers represented on the Committee of Control.

7. By economic equality is meant not only impartiality in the grant of concessions and in matters of taxation, which should be assured by the constitution and composition of the Committee of Control and the Municipal Council, but a fair and honest administration of the customs and no differentiation in favour of French or other goods. Article 22 provides that the Shereefian customs at Tangier shall be under the control of an inspector-general nominated by the League of Nations, who shall appoint his own staff. I anticipate a stouter resistance by the French to this article than to any other.

8. It is of such vital importance to British trade to remove the control of the Tangier customs out of French hands that the subject is worth elaborating. At the present moment, British and native importers of British goods at French ports have little to complain of in regard to differentiation. Corruption is universal among the lower French officials, and without bribery nothing can be done at all—delays, difficulties, fines, obstruction are the inevitable result of failure to produce the required *douceur*. All merchants in the same position and British importers have had to bow to the force of circumstances.

9. Now this proves, if any proof be needed, how easy it would be for the French Government to kill British trade. If they choose to instruct, or even merely to hint, to the French customs officials to differentiate in favour of French goods, we are powerless to prevent it. We cannot protest in Paris about every bale of Manchester goods and every box of candles, and it would be no use if we did. Gradually British trade in Morocco could be throttled, just as it has been in Madagascar and as it is

being in the French possessions on the western coast of Africa, where the British Bank of West Africa, for instance, has given up the unequal struggle and closed its branches. As a matter of fact, attempts of this kind are already being made at Oujda, on the Algerian frontier of Morocco. The duty on goods coming into Morocco viâ Algiers is substantially lower than the 12½ per cent. charged at the coast ports, as fixed by the Act of Algeciras. Mr. Boayed, who is perhaps the largest and wealthiest of all the Fez merchants, told me that so great were the delays, obstructions and expense at Oujda in the case of Manchester cottons that he had given up the idea of importing them by that route.

10. Sooner or later the French will give the word at the coast ports, and the throttling process will begin. There is only one counter-move that I can see, and that is the maintenance of the "open door" at Tangier. We failed entirely in 1912–14 to secure the removal of the Tangier customs from French hands. The French were adamant on the subject on the ground that they could not betray the holders of the French loans of 1904 and 1910, to whom the customs receipts of all Morocco had been assigned as security. Since that time the share due by the Spanish zone has been capitalised and paid off. Tangier cannot do this, but by article 24 of the Robertson draft the bondholders are absolutely secured. According to the latest figures, the customs receipts to be retained by Tangier under article 23 will suffice to pay the contribution due by Tangier towards the service of the loans some sixteen times over. It will be a test of French sincerity whether they still plead the cause of the bondholders as a reason for retaining control of the Tangier customs. Personally, I consider articles 22–24 to be the crux of the whole convention from the British point of view.

11. In the matter of the Committee of Control and the Municipal Council the Robertson draft attempts to observe the golden mean. The 1914–15 Tangier Statute was hopelessly overloaded with detail. It is impossible, humanly speaking, to provide for every contingency, and the effort is not worth making. To a large extent, therefore, it is left to both committee and council to work out their own salvation, notably as regards the regulations for the elections to the council (article 18) and the procedure and departmental organisation of both committee and council (articles 15 and 19).

12. Generally speaking, Tangier is to be administered and governed by an elected body representative of all nationalities and classes residing at Tangier. The object of the Committee of Control is to prevent this elected body from perpetrating follies and outrages. The committee itself will not govern Tangier; it will endeavour to make the council do so properly by its right to veto any obnoxious measures.

13. Articles 12–16 deal with the Committee of Control. With a possible exception of the Khalifa, its composition would seem to give no ground for criticism, and the expediency of giving the permanent chairmanship of the committee to the representative of the League of Nations can hardly be questioned. The Italian Government will almost certainly be ready to appoint a representative. Unfortunately, we cannot be quite sure of the United States Government, but there is no reason to anticipate a refusal. To return to the Khalifa, it has been suggested that he should be altogether a figurehead and should not be allowed a vote or a voice in the deliberations of the committee. On the one hand, although the Khalifa is to be irrevocable, except with the consent or by the desire of the other members of the committee (article 7), he will probably own property in the French zone, and therefore, to a large extent, be subject to French influence. On the other hand, his inclusion as an active member of the committee and his rank of honorary president cut the ground away from any contention that the Makhzen has been deprived of all share in the administration of Tangier. It is another link, albeit a small one, in the chain of the "souveraineté du Sultan."

14. Article 16 is the only one which imposes a fresh burden on the British taxpayer. The British representative on the committee and his substitute will no doubt be the British agent and the first secretary at Tangier. They will require no additional pay, so that no new expenditure will be incurred. This is not the case, however, in regard to the committee's secretariat, but the amount involved when divided by seven will be very small. A secretary at, say, 1,000*l*. a year and three or four clerks at 300–500*l*. each will be quite sufficient. It is, I think, desirable that the salaries of the committee's staff, as well as those of the members of the committee itself, should be paid by the League of Nations and the Powers represented, and should not in any way be dependent on the whims and fancies of the Municipal Council.

15. Articles 17–20 deal with the constitution and powers of the Municipal

Council. Six native Mussulmans, 6 Frenchmen and 6 Spaniards, together with 3 native Jews, 3 Englishmen and 6 foreigners of other nationalities seems a very fair division. There is no reason to assume that the 9 natives will be under the French thumb, rather the reverse, if the Robertson draft remains as it now stands and they have nothing to fear from Rabat. The Spanish can be counted upon to oppose the French. It is, indeed, possible that the French may protest on the ground that they will be in a permanent minority. Due account is taken of the changes which may take place in the relative numbers of different nationalities at Tangier by the provision that the constitution of the Municipal Council may be revised every six years and changes introduced with the consent of the League of Nations.

16. In his despatch No. 918 of the 11th April, Lord Hardinge enclosed a secret memorandum in which four points were specified on which the French could not give way, viz. :—

(1.) Control of the military police.
(2.) Veto on concessions, in order to avoid economic enterprises prejudicial to the political interests of French Morocco.
(3.) Right to expel at all times undesirable Moors who have taken refuge at Tangier.
(4.) Right to proclaim state of siege in time of war and to expel undesirable Europeans.

They are ingeniously drawn up, as Mr. Robertson shows in his despatch No. 170 of the 26th April, to "give France a large measure of economic control in time of peace and complete military control in time of war."

17. It is unnecessary to recapitulate the explanations given by Mr. Robertson in his above-mentioned despatch, which should be read in conjunction with the present memorandum and the draft convention. I think it essential that the Committee of Control, and not the French, should have control of the constabulary of 500 men, as laid down in article 25. This force should be sufficient to deal with frontier raids, and no other aggression is to be feared. To avoid all jealousies, it is provided that the League of Nations shall appoint the commanding officer, who shall not be of British, French or Spanish nationality. An English commanding officer would undoubtedly be best, but presumably the French and Spanish would never agree to this.

18. If point 2 means anything except to ensure that all concessions shall always be given to Frenchmen, which is, of course, entirely inadmissible, it can only be intended to bar the door to Germans. This is met by the first sentence of article 9, which provides for the application to the Tangier zone of article 43 of the Treaty of Versailles, viz. :—

> "The Shereefian Government shall have complete liberty of action in regulating the status of German nationals in Morocco and the conditions in which they may establish themselves there."

19. Point 3 raises a difficult problem. To give the French authorities the right to expel at any time from the Tangier zone any Moor they like, would simply be to place every Moor in the zone under their complete control. At the same time, it is highly probable that the zone will be used by both Moorish and European undesirables as a base for intrigues against the French and Spanish authorities, and some machinery must be devised to stop this. To leave the matter entirely to the Committee of Control, on which the nationality of the undesirable European will as likely as not be represented, would be undesirable; moreover, the committee will not inspire confidence as a judicial tribunal. On the other hand, we do not want the French and Spanish instituting vexatious proceedings at constant intervals. Article 5 of the Robertson draft provides a *via media*, by stipulating that the chairman of the Committee of Control, *i.e.*, the representative of the League of Nations, shall decide whether or not the evidence is such as to justify proceedings *in camerâ* before the Tangier court.

20. Point 4, as explained by Mr. Robertson, is not only undesirable, but quite unnecessary in view of article 4, which provides for the intervention of the League of Nations in the event of war.

21. The question of the port excites such natural and widespread interest at Tangier—indeed, it is literally the case that the prosperity and whole future of Tangier depend on the construction of harbour works and of the Tangier–Fez rail-

way—that no Tangier Convention would be complete without a reference thereto. The difficulty lies in the fact that without a Government guarantee the port company cannot borrow the necessary money (30,000,000–40,000,000 fr.) to carry out the works —no banker would look at a guarantee from the Tangier municipality at present, quite apart from the fact that even at best it will be a long time before the municipality is established. The only Government in the past ready to give the necessary guarantee was the Makhzen; and quite legitimately the Makhzen demand the right of control in order to see that the money is not wasted and themselves called upon to fulfil the guarantee. In similar circumstances His Majesty's Government would do the same. Unfortunately, control by the Makhzen and control by His Majesty's Government are two very different things.

22. Further complications arise from the fact that under the Treaty of Versailles the Makhzen has seized the German and Austrian shares in the port company, and thus destroyed the international balance of voting power in the port company which was carefully arranged in 1914. As things stand at present, the French and Moorish holding in the company amounts to 53 per cent. The French would, I understand, be ready to abandon some of their holding to us, but we do not want it! It was very difficult to get the British share of 20 per cent. taken up in 1914. The capital of the company has recently been increased, and it is going to be just as difficult as before to make up the British proportion. To provide British capital for a larger holding will be well-nigh impossible.

23. Harbour works at Tangier are a vital necessity. The ideal solution would be for the municipality to build and run them, but the revenue of Tangier will not permit of this. A British Government guarantee is out of the question, and I see no other solution but to allow the French to build and run the port. Article 27 of the Robertson draft admits this, but provides certain safeguards. The first stipulates that the contract as a whole should be put up to public tender. This is much better than the intolerable bother of separate adjudications for the countless sub-contracts which will be required, and in reality gives British enterprise just as good a chance. The second and third safeguards substitute the Tangier municipality for the Makhzen in regard to the right of purchase of the harbour works and harbour dues. The fourth is the most important. It does not afford absolute and perfect security for equality of treatment, but it goes some way towards it. At any rate, it makes flagrant and continued differentiation in favour of France difficult, if not impossible.

24. Before leaving the port question, it may be as well to state, firstly, that the present scheme is the same as that drawn up by Captain Frederick, the British expert, in 1914 and approved by the Powers concerned, except that to begin with the whole of the works will not be carried out. There are no objections, therefore, on technical grounds. Secondly, if it is decided to communicate the Robertson draft to the French and Spanish Governments as a basis for immediate discussion, it will be advisable to include article 27. If, however, a decision in a contrary sense be taken, article 27 might be excised from the draft convention and the port question dealt with as a separate matter. The essential thing is to get the works done and finished as soon as possible.

25. A few complementary notes are required on various articles:—

Article 1.

In defining the boundaries of the Tangier zone the wording of the 1914–15 statute has been followed.

Article 2.

The second sentence is based on article 2 of the French Protectorate Treaty of 1912.

Article 6.

It has been suggested that instead of delegating temporal authority, &c., to the municipality, it should be delegated to the Sultan's Khalifa, who should only act on and with the advice and consent of the municipality. As explained in paragraph 12 of this memorandum, I think it would be much better that the temporal authority should be delegated to the municipality of which the Khalifa forms part. The point is purely technical, since in either case it will be the municipality and not the Khalifa who will govern.

Article 10.

Disputes as to the application to Tangier of international engagements are very unlikely to arise, but it is advisable to provide for the contingency. It is of course essential that there should be one customs tariff for the whole of Morocco, and as any changes in the present tariff would require the consent of the signatories to the Algeciras Act, it is safe to make such changes applicable automatically to Tangier.

Article 11.

The French will dislike extremely handing over the monies in question. During the last few years they have been swindling outrageously in the matter of sales of Makhzen lands and they ought to disgorge. We demanded at the Peace Conference in Paris that the proceeds of the liquidation of German property at Tangier should be reserved for the future municipality, and we have steadily maintained this point of view ever since.

Article 21.

The provision in the first sentence is necessary to prevent Rabat from granting concessions wholesale now and then backdating and publishing them in the "Bulletin officiel." Existing concessions must, I think, be maintained or we shall be landed in endless lawsuits and bothers; but there is no denying the iniquitous nature of some of the concessions, notably that of the French waterworks, nor the unjust burden that they will impose on Tangier revenues. Provision was made in the 1914 Statute for a proper share of the State Bank and tobacco monopoly profits to accrue to the municipality. Presumably, therefore, the French will agree to a similar provision now.

Article 26.

It is a matter for consideration whether this article should be retained when communicating the draft to the French. It might be better to keep it up our sleeve for bargaining purposes.

26. The Spanish will almost certainly ask for a corridor for military purposes through the Tangier zone to the Spanish zone, and M. de Saint-Aulaire told Mr. Robertson, some time ago, that the French were quite ready to agree to this. Presumably we should do the same, but it will be much best to keep this up our sleeve. I foresee, in any case, interminable wrangling and discussion before Madrid will agree to the Robertson draft.

27. There is one requirement that cannot be inserted in the draft, but which is absolutely essential to the success of the scheme. I mean the removal of both the present French and Spanish representatives at Tangier. The relations between MM. Carbonnel and Serrat are such as any committee of which both are members is foredoomed to failure.

28. *Articles* 28–34, dealing with the judicial organisation, have been drawn up by Mr. Malkin on the basis of memoranda by Sir C. Hurst and Mr. Rabino, His Majesty's consul at Casablanca. The provisions are obviously not complete, but they give an idea of the organisation contemplated. The details will have to be worked out later. I feel sure the only practicable scheme will be to adopt the French code now in force in the French protectorate; but it would be well not to say so at once, and thus avoid hurting Spanish susceptibilities.

29. I have left till last the all important question of finance. Any estimate of Tangier revenues and expenditure must be largely guesswork. The lucky Tangerines are hardly taxed at all now, and everyone agrees that the present *taxe urbaine* could, if properly collected, be increased by at least two-thirds. The French cannot object to taxes similar to those at Casablanca being imposed at Tangier, and these will bring in a substantial revenue. The customs receipts plus the special tax of 2½ per cent. should suffice to pay for extra municipal services, such as public works, the military police, the judicial organisation, the Tangier share in the Tangier–Fez railway, &c.; the receipts from local taxation should suffice for purely municipal services, such as drainage, lighting, town police, &c. The French, being bankrupt and therefore regardless of expenditure, are maintaining extremely expensive schools, hospitals, dispensaries, &c., as propaganda. If they choose to keep on these institutions so much the better for Tangier; but there is no reason why the municipality should do so, if it cannot afford them.

30. The completion of the harbour works and the Tangier–Fez railway cannot fail enormously to increase the revenues, and the future can be regarded without

concern. The next four or five years are the critical time. As I have already explained, all estimates must necessarily be guesswork, but a recent French propaganda brochure, giving detailed figures derived from French official sources, arrived at a revenue of 13,000,000 fr., and an expenditure of 12,000,000 fr., including 1,000,000 fr. for unforeseen expenses. Mr. Irwin of the agency, whose knowledge of matters Tangerine is unrivalled, arrived at almost exactly the same result in a different way. Mr. Robertson is going to send home as soon as possible a detailed statement based on the most reliable estimates that can be framed. Inevitably these estimates will not be reliable, but it seems fairly certain that with careful and economic administration Tangier will be able to pay its way without subventions from His Majesty's or other Governments, and that we need not be deterred on the ground of finance from insisting on an autonomous Tangier.

31. Mr. Robertson—I venture to think rightly—considers the Tangier question of such vital importance to British interests that he would be ready, if a satisfactory solution depended thereon, not only to give up the British postal service throughout Morocco, but also to recommend in the last resort the abandonment of the Capitulations. Happily, we need not yet envisage so great a sacrifice.

32. In conclusion, I feel bound to say that all the credit for the Robertson draft belongs to Mr. Robertson. As, however, he and I discussed it word by word and line by line, I gladly share with him the responsibility of submitting it to the Secretary of State as a genuine attempt to facilitate the fulfilment by the French Government of their repeated promises and to provide a solution honourable to both parties of a long outstanding and highly contentious question.

G. H. VILLIERS.

Foreign Office, May 8, 1922.

[**W 3908/197/28**] No. 25.

Mr. Robertson to the Marquess Curzon of Kedleston.—(*Received May* 9.)

(No. 170.)

My Lord, *Tangier, April* 26, 1922.

I HAVE the honour to acknowledge the receipt of your despatch No. 156 of the 20th April, enclosing a copy of a memorandum by M. Phillip Millet on the subject of the future status of Tangier. Your Lordship is so good as to ask for my comments on M. Millet's suggestions.

1. *Concessions that France may make.*

(A.) M. Millet's proposals in regard to neutralisation do not appear to me to go far enough. He writes only of "maritime neutralisation" and of supervision by the League of Nations or by an inter-Allied naval organisation "with a view to prevent not only the construction of fortifications on the coast, but the creation of a base for submarines." Gun emplacements could be erected without much difficulty in time of war, and heavy guns could be mounted in them which could dominate the Straits. This will become an easy matter when the Tangier–Fez Railway is built. Even a greater danger appears to me to lie in the possibility of aeroplane attack. I venture to suggest that we cannot be satisfied with anything less than the complete neutralisation of the Tangier zone and the formal prohibition of all operations of war by land, sea or air directed against it or from within it. In the event of war in which two or more of the Powers represented on the Committee of Control (see article 4 of the draft convention submitted in my despatch No. 169 of to-day) are engaged, the League of Nations should be asked to ensure the neutralisation of the zone. Should the British Empire and France be allied in war on the same side, this stipulation would, I admit, prevent their making belligerent use of the zone; but this appears to me to be a lesser evil than the danger of anything short of complete neutralisation.

The proposals under heading (B), "Internationalisation of the Municipality," are of the sketchiest kind, but seem to me to be an advance on anything that the French have been willing to concede until now. The right to establish and collect taxes and to maintain a city police force, and the setting up of an international tribunal to take the place of the Consular Courts, are to my mind essential. As regards concessions, my idea is that they should all be signed by the Sultan's Khalifa in His Majesty's name.

2. *Concessions that France must refuse.*

All four points under this heading raise important issues. To accept them as they stand would be to give France a large measure of economic control in time of peace and complete military control in time of war.

Point 1.—The idea of maintaining military forces under the authority of the Sultan and wholly independent of the municipality fills me with considerable apprehension, more especially when it is added that "these forces should be in a position to be increased in time of war." If, as I propose, the League of Nations guarantee the neutrality of the zone in time of war, it would surely be rash in the extreme for any Power to violate that neutrality, so the French need have little fear of hostilities emanating from here. But if the French are to be allowed to maintain here a force of 500 men, with artillery, under French officers, to reinforce it in time of war, and to declare a state of siege (point 4), besides having the power to expel "undesirable" Europeans, it is obvious that the neutralisation of Tangier, which is one of the main objects of His Majesty's Government in insisting on internationalisation, would become a complete farce. It is, moreover, not quite clear what would become of the Spanish force of 250 men in the event of France's being at war with Spain or of Spain's being neutral in a war in which France was engaged. It is to my mind in any case undesirable that the French and Spanish forces should continue to exist owing to the serious risk of friction. Armed conflict between the two is by no means beyond the bounds of possibility.

To allow the Sultan the power to expel "undesirable Europeans" in time of war is not possible. Every enemy of France would become undesirable, and Tangier would fall completely into French hands.

On the other hand, it must be borne in mind that to maintain an armed force of its own of, say, 500 men, which is, I believe, what would be required to ensure the zone against raids by hostile tribesmen, would entail a heavy financial burden on the municipality, possibly as much as 25,000*l.* a year. I cannot say for certain that the municipality will be able to bear this burden, but the latest information which is being collected for me leads me to think that the latter's budget can be balanced even if the expenses of the force have to be provided for in it.

Point 2.—I do not fully understand what is meant by "economic enterprises which might prejudice the political interests of French Morocco." To give the Sultan the right to veto concessions on that ground would be to put it into the power of the French to prevent foreign enterprise from competing for almost any important concession. I imagine that the fear is, to some extent, that German enterprise might regain a foothold in the Tangier zone, and so enable Germans again to intrigue against the French. This fear appears to me well founded, but I imagine that it would not be possible nowadays specifically to exclude German enterprise for all time from a zone which will, to a large extent, be under the ægis of the League of Nations On the other hand, as the authority of the Sultan over Tangier is not disputed, it would be difficult to refuse to the Shereefian Government the full benefit in the Tangier zone of article 143 of the Treaty of Versailles. It might be stipulated that the municipality should automatically give effect to regulations issued by the Shereefian Government which affect the status of German nationals in Morocco and the conditions on which they may establish themselves there.

Point 3.—It is out of the question that we should concede to the Sultan the right to expel at any time "undesirable" Moorish subjects who might take refuge in Tangier. This would leave the door wide open to serious abuses, and any Moor who did not do French bidding might be expelled on the ground that he was "undesirable." My knowledge of French methods on the Rhine and my own personal experience since arriving in Morocco do not lead me to place implicit confidence in charges brought by the French authorities against those who may be inconvenient to them for one reason or another. The point is without doubt raised because the French authorities are fully aware that one of the main reasons why many Moors of the French zone are anxious to see Tangier internationalised is that they expect to be able to resort to it as a place of refuge. On the other hand, I feel that we should allay French fears lest the zone may be used as a place of safety from which intrigues against the Sultan and his protectors can be carried on with impunity. I have given most anxious thought to the matter, and article 5 of the draft convention, enclosed in my despatch No. 169 of to-day, represents what appears to me to be the limit to which we can fairly go in this respect.

I am very grateful to your Lordship for sending me a copy of Lord Hardinge's despatch at so early a date, as it enabled me to take M. Millet's suggestions into consideration while I was engaged with Mr. Villiers in drafting the convention referred to above.

I have, &c.
ARNOLD ROBERTSON.

[W 4186/197/28] No. 26.

Mr. Robertson to the Marquess Curzon of Kedleston.—(*Received May* 18.)

(No. 184.)
My Lord, *Tangier, May* 11, 1922.

I HAVE the honour to acknowledge the receipt of your despatch No. 181 of the 4th May, in which your Lordship is so good as to enclose a copy of Lord Hardinge's despatch No. 1002 of the 22nd April, reporting a conversation with the French President of the Council, at the conclusion of which the Tangier question was discussed.

It is somewhat astonishing that M. Poincaré should seriously ask your Lordship to believe that feeling in Morocco is agitated by the idea of the diminution of the Sultan's sovereignty which the internationalisation of Tangier would entail. Equally amazing is the statement that neither the Sultan nor his subjects could tolerate that Tangier should be governed except through the Resident-General, who was not merely a French official, but the representative of the Sultan. It is, on the contrary, hardly an exaggeration to say that, with the exception of the "Beni Oui-Ouis," an epithet applied by the French colonists themselves to the native sycophants who depend upon the Residency-General for their position and livelihood, there is hardly a Moor of standing who would not think that he had been betrayed if the internationalisation of Tangier were given up. Even among the "Beni Oui-Ouis" there are considerable numbers who would, in their hearts, welcome internationalisation, as the zone would become a place of refuge for them in the event of their falling into disgrace. I find it difficult to believe that M. Poincaré has really so poor an opinion of British intelligence as to expect serious attention to be paid to his remarks. Had he said that it would interfere gravely with French policy in Morocco were Tangier to become internationalised or were any doubt allowed to exist in regard to the sovereignty of the Sultan over Tangier, that would have been a different matter and more in accordance with the facts.

On the other hand, I am not at all surprised that M. Poincaré should be of opinion that "perhaps the best course would be to let things go on as they are." I doubt if the majority of the local French colony would agree with him, but, so far as the French Government are concerned, I do not see that they have anything to gain by the settlement of the Tangier question. The zone is, at the moment, governed from Rabat, and, short of sending battleships, I do not see that there is any local action that can be taken which would in any way alter that indisputable fact. From the British point of view, on the other hand, the present state of affairs is a direct menace to both our economic and strategic interests, and I have no doubt that His Majesty's Government will continue their efforts to force the issue. I would venture to suggest that it might be well to communicate the draft convention enclosed in my despatch No. 169 of the 26th April to both the French and Spanish Governments at an early date and make the definite proposal that it should form the subject of negotiations in London.

I have, &c.
ARNOLD ROBERTSON.

[W 4558/197/28] No. 27.

Principles which His Majesty's Government propose should be embodied in a Scheme for the Establishment of the Special Régime at Tangier provided for in the Treaties.

MAINTENANCE of the Sultan's sovereignty and spiritual authority over Tangier zone which shall remain an integral part of the Shereefian Empire.

2. The Sultan to be represented at Tangier by an irrevocable Khalifa, through whom the Sultan's spiritual authority shall be exercised in a manner analogous to the régime now in force in the Spanish zone.

3. Permanent demilitarisation and neutrality of the Tangier zone under the ultimate control of the League of Nations.

4. Delegation of the Sultan's temporal authority to municipality, consisting of--

(*a.*) Commission of control composed of representatives of the Great Powers under chairmanship of a representative appointed by League of Nations.

(*b.*) Municipal council composed of representatives elected by population of Tangier.

5. The Sultan to be represented on the commission of control by his Khalifa. All laws and regulations enacted by the municipality to be promulgated by the Khalifa in the name of His Shereefian Majesty.

6. Administration of customs to be entrusted to inspector-general nominated by the League of Nations.

7. Maintenance of existing religious and criminal Moorish courts for native cases. Establishment of "Tribunal de Paix" and "Tribunal de Première Instance" for foreign cases.

Foreign Office, May 27, 1922.

[W 4632/197/28] No. 28.

Lord Hardinge to the Earl of Balfour.—(*Received June* 6.)

(No. 1311.)
My Lord, *Paris, May* 31, 1922.

I HAVE the honour to forward herewith copy of a note on the subject of the future status of Tangier which has been addressed to this Embassy by the French Ministry for Foreign Affairs in answer to the memorandum handed to me by M. Poincaré on the 11th April last, when I discussed the above matter with him in the conversation reported in my despatch No. 917 of that date.

I have read this latest communication of the French Government with interest, as the views expressed therein appear to indicate a less irreconcilable attitude than that hitherto displayed towards our point of view in regard to Tangier. Moreover, a desire is expressed for further discussion, which may pave the way to the holding of a conference.

Three considerations are now advanced by the French Government in justification of their avowed failure to fulfil previous pledges respecting the internationalisation of Tangier. These considerations are the following: The experience of the late war shows that only the preservation of the full sovereignty of the Sultan of Morocco (exercised in reality by France) over Tangier can safeguard the Straits of Gibraltar; actual political conditions in Morocco render impossible the curtailment of the Sultan's authority in Tangier and its zone, which would alone permit of the establishment there of a real international régime; such a régime, freed from the control of the Sultan, would inevitably convert Tangier into a refuge for the Mahommedan malcontents and undesirables, not only of North Africa but of the whole East.

If these objections to the grant to Tangier of an international status are genuine, I should hope that we might be able to convince the French Government that adequate assurances could be provided against the eventualities of which they are apprehensive. In this connection I would suggest that articles 2 to 5 inclusive in the draft convention enclosed in Mr. Robertson's despatch No. 169 might form the basis of further proposals on our part. I hardly think, however, that we can regard this draft convention in its present form as likely to be acceptable to the French Government. If a settlement is to be reached, we are bound to give way on certain points which probably only the continuance of negotiations can determine. The note nevertheless provides, in my opinion, a useful opening for the further discussion which the French Government recommend as the preliminary to a conference.

I have, &c.
HARDINGE OF PENSHURST.

Enclosure in No. 28.

Note communicated by French Ministry for Foreign Affairs, May 26, 1922.

LES considérations exposées par l'Ambassade de Sa Majesté britannique à Paris dans son aide-mémoire du 11 avril dernier au sujet de la question de Tanger ont été soumises à l'examen le plus attentif et donnent lieu aux conclusions suivantes :

Il est agréable au Gouvernement de la République de relever l'affirmation que le Gouvernement de Sa Majesté britannique reconnaît la souveraineté du Sultan du Maroc sur l'ensemble de l'Empire chérifien sans en accepter Tanger. On doit remarquer ici, toutefois, qu'il n'est pas exact de dire que cette souveraineté s'exerce sur la zone française par l'entremise d'un Haut-Commissaire français et sur la zone espagnole par l'entremise du Gouvernement espagnol auprès du Khalifa du Sultan. Il résulte, en effet, des textes en vigueur que le protectorat de la France—qui s'étend sur le Maroc tout entier—est exercé sur la zone française par l'entremise du Résident général de France à Rabat, qui est en même temps Ministre des Affaires étrangères de Sa Majesté le Sultan pour tout l'Empire chérifien. D'autre part, c'est par une délégation du Sultan que l'Espagne, conformément aux dispositions de la Convention franco-espagnole du 27 novembre 1912, exerce son influence dans la zone espagnole par l'entremise du Haut-Commissaire près le Khalifa de Sa Majesté chérifienne. Enfin, à Tanger et dans sa banlieue, l'autorité du Sultan, protégé de la France, s'exerce dans les mêmes conditions qu'avant le traité de protectorat. Le Gouvernement de Sa Majesté britannique admet qu'il ne saurait être question d'une diminution quelconque de la souveraineté du Sultan sur Tanger, mais il désire que cette souveraineté s'exerce par l'entremise d'un corps international auprès d'un Khalifa chérifien et il rappelle à ce sujet les engagements pris avant la guerre par la France vis-à-vis du Gouvernement britannique.

Le Ministère des Affaires étrangères a l'honneur de faire remarquer qu'aucun traité n'a prévu ni recommandé une formule aussi rigoureuse, qui en fait aboutirait à faire totalement disparaître de Tanger la souveraineté du Sultan, qui y est demeurée jusqu'ici entière. Le Gouvernement de la République a déjà eu en maintes circonstances l'occasion de préciser son opinion sur ce point. Il reconnaît volontiers à nouveau que, avant la guerre, il s'était engagé à " internationaliser " Tanger et il n'a pas besoin de rappeler l'accord qui avait été conclu à ce sujet en 1914 avec le Gouvernement britannique, ni les circonstances dans lesquelles le Gouvernement espagnol n'a pas voulu au cours de la guerre adhérer au même accord.

Le Gouvernement de la République ne peut pas considérer que ces offres, faites dans un esprit de générosité et de paix, et repoussées par le Cabinet de Madrid jusqu'en 1915, en pleine guerre, alors qu'une victoire de l'Allemagne pouvait être escomptée, constituent un engagement vis-à-vis du Gouvernement espagnol. Il est prêt, en conséquence, à reprendre la discussion, en se référant aux seuls traités ou accords reconnus et appliqués, ceux de 1904 et ceux de 1912.

Il y a lieu de remarquer, en effet, que si le statut de Tanger, tel qu'il avait été concerté entre la France et l'Angleterre en 1914, avait reçu l'approbation de l'Espagne et avait été ainsi rendu définitif, le Gouvernement français n'eût pas pu prendre à Tanger, au début de la guerre, des mesures qui ont efficacement contribué au succès des armes alliées, notamment l'expulsion des représentants des Puissances ennemies. Un article récemment publié dans la " Revista hispano-africana " par le Marquis de Lema, négociateur du projet de statut de 1914, dit expressément que : " Si le statut qui devait consacrer le régime international de Tanger avait été ratifié par l'Espagne, il est indubitable que notre condition de neutres ne nous aurait pas permis de nous associer à une mesure comme celle-là (l'expulsion des Ministres des Empires centraux)." C'est le maintien de l'autorité du Sultan sur Tanger qui a enlevé aux ennemis tout moyen d'action dans les parages du Détroit de Gibraltar, tandis que les ports et rades de la zone espagnole servaient de bases de guerre aux Allemands et de lieux de refuge pour leurs sous-marins. Ces faits, vérifiés par les autorités britanniques et françaises, ne peuvent pas trouver le Gouvernement de la République indifférent, ni le rendre oublieux de ses devoirs envers lui-même et envers le Sultan, son protégé.

Une autre considération, qui a été également exposée au Gouvernement britannique, oblige le Gouvernement de la République à tenir plus encore qu'en 1914 compte des droits et des désirs du Sultan du Maroc. Le règlement de la question de Tanger en faveur du droit du Sultan est une des revendications sur lesquelles Sa Majesté Moulay Youssel ne cesse d'appeler l'attention du Gouvernement français. Or, le Gouvernement

de Sa Majesté britannique sait quel a été depuis la guerre le mouvement général des esprits dans l'islam, qui a pris partout une conscience plus entière de ses droits et de ses intérêts. Le Gouvernement de Sa Majesté a été amené à tenir dans bien des lieux compte de ces sentiments Le Gouvernement de la République ne peut pas se préoccuper des désirs si ardemment manifestés par un prince musulman qui a contribué au succès des armes alliées, alors que les vœux et les désirs des princes musulmans vaincus sont l'objet de l'examen le plus attentif et souvent le plus bienveillant des Puissances alliées.

Des raisons impérieuses de sécurité au Maroc obligent enfin la France à ne pas laisser se constituer à Tanger un état où, à la faveur d'un régime international sans autorité souveraine vraiment effective, les dissidents et les agitateurs du Maroc tout entier puissent trouver un asile qui deviendrait facilement le lieu de refuge des musulmans indésirables de l'Afrique du Nord, et, peut-être, de tout l'Orient. Des déclarations non douteuses ont été faites à ce sujet par certains indigènes de Fez au cours de l'entretien qu'ils ont eu avec Mr. Robertson.

Il est donc nécessaire que le Sultan conserve sur Tanger une autorité effective et réelle.

Le Gouvernement de la République est, au surplus, ainsi qu'il l'a toujours dit, disposé à donner au Gouvernement britannique tous apaisements et toutes garanties en ce qui concerne la sauvegarde de ses intérêts politiques et économiques. Non seulement des engagements seront pris conformément aux traités, mais des moyens de contrôle seront donnés pour que le Gouvernement britannique s'assure que le Détroit de Gibraltar ne sera pas fortifié. Le Gouvernement de Sa Majesté pourrait entretenir un commissaire à Tanger. Il pourrait adjoindre à son commissaire un attaché militaire ou un attaché naval. S'il préfère, le contrôle de la Société des Nations pourrait être demandé sur les grandes voies de communication, comme le Détroit de Gibraltar et le Canal de Suez, pour garantir la libre exécution des traités concernant ces grandes voies de communication.

De même, et pour répondre aux légitimes préoccupations du commerce britannique, le statut de Tanger aurait à prévoir, avec le régime de la porte ouverte, de la libre concurrence et des adjudications, une survivance du comité des valeurs douanières où un représentant anglais, à côté des représentants des autres Puissances intéressées, s'assurerait de l'équitable application, sans exception ni privilèges, des taxes douanières.

Le Gouvernement de la République ne s'opposera pas à ce que le régime spécial prévu dans tous les traités ait un caractère international. En effet, une municipalité internationale serait instituée par un dahir chérifien. Cette municipalité serait dotée de pouvoirs étendus en matière de taxes municipales. Elle aurait sa police, son budget, ses fonctionnaires. Les intérêts britanniques et les intérêts espagnols y seraient équitablement représentés.

Une force de police chérifienne peu nombreuse devrait cependant être maintenue à la place des tabors actuellement en fonction, les récents événements de Melilla démontrant la nécessité de ne pas laisser la ville de Tanger sans une protection militaire.

L'administration des indigènes continuerait à être exercée par le pacha de la ville.

Si le Gouvernement de Sa Majesté britannique l'estimait indispensable, les Européens pourraient être rendus justiciables d'une juridiction internationale imitée des tribunaux mixtes d'Égypte.

Le Gouvernement de la République se plaît à espérer que le Gouvernement britannique trouvera dans les suggestions qui précèdent un " terrain commun " d'entente qui pourrait servir de base raisonnable pour une conférence. Il est prêt à examiner dans l'esprit le plus amical les suggestions complémentaires qui pourraient lui être adressées par le Foreign Office.

R. P.

Ministère des Affaires étrangères, Paris,
le 26 mai 1922.

[W 5161/197/28] No. 29.

The Earl of Balfour to M. Merry del Val.

My dear Ambassador, *Foreign Office, June* 19, 1922.

AS you are aware, M. Poincaré has been in Downing Street this afternoon. Knowing the views of your Government, I took the opportunity of asking him whether he had any objection to the policy which it desires to see adopted, namely, that of a conference between the three Powers on the subject of Tangier.

I gathered from him that he was in full accord with this policy and that the period which would be convenient to him would be somewhere in the second half of July.

I do not know whether this date will suit your Government, but in any case it seems clear that whatever the results of such a conference may be, we can all agree that the conference itself should be held without undue delay.

Yours sincerely,
BALFOUR.

[W 5197/197/28] No. 30.

The Earl of Balfour to His Majesty's Representatives at Madrid (*No.* 58), *and Tangier* (*No.* 19).

(Telegraphic.) *Foreign Office, June* 21, 1922.

IT has been decided with M. Poincaré that question of Tangier shall be discussed at a conference in this country in the latter part of July. Spanish Government will be invited to send a representative to conference.

[W 5193/1823/28] No. 31.

Mr. Robertson to the Earl of Balfour.—(*Received June* 22.)

(No. 239.)

My Lord, *Tangier, June* 16, 1922.

I HAVE the honour to transmit herewith a memorandum by Mr. Codrington on the subject of financial liability to be shouldered by any municipal authority which may be constituted in the future at Tangier in respect of the Tangier–Fez Railway.

M. Méchin has shown Mr. Codrington the note prepared by him for the information of the French agency. It contains the figures which were supplied to Mr. Codrington, and also an expression of the opinion that no profits should be expected during the first few years of exploitation.

I have, &c.
ARNOLD ROBERTSON.

Enclosure in No. 31.

Finance of the Tangier–Fez Railway, and its Bearing on the Future Municipality of Tangier.

M. MÉCHIN, the engineer in charge of the Tangier–Fez Railway, informs me that the construction and exploitation of the line are being financed in the following manner:—

The ordinary share capital of 15,000,000 fr. carries interest at 6 per cent., and is guaranteed as to 60 per cent. by the French Government, and as to 40 per cent. by the Spanish Government.

The total cost of the line is estimated to amount to about 280,000,000 fr. Accounts of the expenditure are kept separately for each of the three zones through which the line passes. The cost of the line, over and above the fixed amount of ordinary shares, is financed by the issue of bonds bearing 6 per cent. interest. Further instalment of these bonds will shortly be put on the market.

The French and Spanish Governments each guarantee the interest on the bonds required to finance the work done in each of their respectives zones.

The Tangier Government, had it been in existence, would have had to do the same

in respect of the bonds issued to cover the cost of the work done in the Tangier zone. Until a competent authority is constituted for the Tangier zone, the rights and obligations properly attaching to such an authority are undertaken as to 60 per cent. by the French Government, and as to 40 per cent. by the Spanish Government.

Even when the Tangier authority is constituted and takes over the rights and obligations allotted to it under the terms of the Tangier–Fez Railway Convention (1916), the Spanish and French Governments are bound (article 28, second paragraph) to pay the interest on the capital sums expended in the Tangier zone, should the Tangier authority be more than two years in arrear in its payments.

I asked M. Méchin to give me some idea of the amount of money which his company would spend in the Tangier zone by the time that the railway was finished and working. He replied that, naturally, it was impossible to name a definite figure, but that he thought that the amount involved would be between 30,000,000 and 35,000,000 fr.

On this amount the Tangier authority, when constituted, will have to pay 6 per cent. interest in addition to sinking fund and other charges. Roughly, he estimated that the liability of the Tangier zone would amount in all to from 2,000,000 to 2,500,000 fr.

Further, under article 27 the Tangier authority will be responsible for 75 per cent. of any deficit on the revenue and expenditure account of the company in its zone, the remaining 25 per cent. being found by the company. If the deficit is less than 50,000 fr. it will be carried to a suspense account or financed by the company. Any excess of receipts over expenditure, after provision of certain reserves, will be divided in the following proportions: Tangier authority 75 per cent., Railway Company 25 per cent.

M. Méchin mentioned that about three months ago he had been asked to make out a memorandum for the French Legation showing the liability of the Tangier zone under the Tangier–Fez Convention. He promised to show me a copy of the note which he had written in response to this request if he could find it.

WILLIAM CODRINGTON.

[W 5231/197/28] No. 32.

Foreign Office to Treasury.

Sir, *Foreign Office, June* 24, 1922.

AT the recent meeting in London of the Prime Ministers of Great Britain and France it was decided to hold a conference in England towards the end of July to discuss the question of Tangier. The conference will consist of representatives of Great Britain, France and Spain.

2. The complexity of the negotiations makes it essential that the British representatives should have the assistance and advice of someone possessing a wide knowledge of local conditions in Tangier as well as of the many technical questions involved. The only man possessing these qualifications now available is Sir Herbert White, K.C.M.G., formerly His Majesty's agent and consul-general at Tangier, whose experience in Morocco, gained by over forty years' residence in that country, is unrivalled.

3. Sir Herbert White retired on a pension on the 25th October, 1921, and is now living at Saint-Jean de Luz in the south of France. Lord Balfour proposes to ask him to come to London and attend the conference, and his Lordship thinks it would only be fair to offer him, in addition to his travelling expenses and to a subsistence allowance at the usual rate payable to higher officials employed away from home in this country on public service, the difference between his pension and the salary which he received as agent and consul-general at Tangier at the date of his retirement for the period during which he is employed in England.

4. I am directed by Lord Balfour to enquire whether the Lords Commissioners of the Treasury would, in the special circumstances, sanction this expenditure. Sir Herbert White would be requested to arrive in England three or four days before the beginning of the conference and stay until its conclusion. It is impossible at this stage to forecast the length of the conference, but it is not likely to last long, possibly even not more than a few days.

5. Lord Balfour would be grateful for an early reply on the subject.

I am, &c.
G. H. VILLIERS.

[W 5412/197/28] No. 33.

Mr. Robertson to the Earl of Balfour.—(*Received June* 29.)

(No. 255.)

My Lord, *Tangier, June* 22, 1922.

I HAVE read with great interest the note of the French Ministry for Foreign Affairs of the 26th May on the subject of the Tangier Statute, which was enclosed in Lord Hardinge's despatch No. 1311 of the 31st May to your Lordship, and which reached me yesterday in the confidential print.

I venture to make the following observations on the note, on the understanding that His Majesty's Government still regard the internationalisation of Tangier as a matter of vital importance which admits of no compromise.

To deal first with the somewhat long preamble which leads up to more or less definite proposals at the end of the note.

The note reiterates a statement made on a previous occasion, that in the Tangier zone the authority of the Sultan is exercised in the same conditions as before the treaty establishing the protectorate. Later on it speaks of "la souveraineté du Sultan qui y est demeurée jusqu'ici entière." If this means anything at all, it means that the French protectorate authorities do not intervene at Tangier, where the Sultan is a free and independent Sovereign. This is not in accordance with the known facts. "Dahirs" affecting Tangier are signed by Marshal Lyautey, presumably in accordance with the protectorate treaty. The Sultan's representative at Tangier is notoriously not a free agent, but acts under orders from the French authorities at Rabat. Finally, the sovereignty of the Sultan at Tangier has not been "complete" for a considerable time past. He has delegated much of his sovereign authority to the Conseil sanitaire, to other local committees and also to the Diplomatic Corps.

The argument contained in the following paragraphs appears to be that the unneutral conduct of Spain during the war releases the French Government from a solemn undertaking to internationalise Tangier, which they admit that they gave to their friend and ally, Great Britain. It also means that they desire to keep a free hand to expel from Tangier British representatives and British subjects, in fact, to treat them in the same way as they treated the Germans and Austrians, in the event of a war unfortunately breaking out between Great Britain and France. As regards Germans and Austrians they are safeguarded by article 143 of the Treaty of Versailles, which, in accordance with article 9 of the draft convention enclosed in my despatch No. 169 of the 26th April, would apply automatically to the Tangier zone. Article 5 of the same draft is intended to meet the fears of the French Government as expressed in paragraph 7 of their note, lest Tangier should become a refuge for agitators and intriguers. The note wilfully misrepresents the views expressed to me by Moors not only at Fez but elsewhere. No doubt undesirable agitators might wish to take refuge in Tangier, but the real point is that Moors of standing look forward to it as a place of safety to which to go in the event of French oppression.

I note from paragraph 6 that it is now the Sultan himself, and not agitated public opinion among the Moors, who is so gravely concerned at the prospect of any diminution of his authority in the Tangier zone. I have no reason to believe that His Shereefian Majesty's faithful subjects share his preoccupation, but I have every sympathy with the grave difficulties which must beset Marshal Lyautey in dealing with the importunate insistence of this powerful and independent monarch on his sovereign rights.

To turn to the concrete proposals of the French Government, as outlined in the last paragraphs of their note. It is not quite clear what the position or authority of the suggested British Commissioner and his naval or military attaché would be in time of peace. In time of war, they would presumably be turned out bag and baggage by order of the Sultan. As I have pointed out in previous despatches, I do not so much fear the erection of fortifications, which could easily be controlled by occasional visits of an officer from Gibraltar, as I do the establishment of an aeroplane base and the rushing up of guns which would control the Straits after the outbreak of war. Control of the Straits by a League of Nations might be a safeguard, but it would be necessary that this control should be strictly defined and that the League be represented at Tangier immediately on the outbreak of war. As to whether the nations of the world would take decisive action if hostilities actually did take place in the Straits, and whether they would be able to decide who was in fact responsible for the opening of fire, may be perhaps open to doubt. What cannot be open to doubt is that the French would be in

an extremely advantageous position in any war in which they were engaged, if the Sultan could exercise undisputed sovereignty over Tangier, unless the strongest guarantees were exacted that Tangier should be permanently neutralised.

As regards the economic question, the existing Comité des Valeurs douanières is not of the smallest value for the purpose of protecting our trade, and its functions would have to be very largely extended. I am not alarmed at the prospect of differential duties which would be contrary to treaty rights, but I am very considerably alarmed at the possibility of the continuance of the present régime of rank corruption which exists under French auspices, and at the probability that there will be differential treatment in favour of French as against British goods. It would be very easy for the French customs officials to delay and systematically search British packages, while allowing French packages to go through without trouble. In the long run British trade would be squeezed out, and it would be difficult to furnish concrete proof of differentiation. Our experience of French guarantees and solemn engagements in the past, whether written or oral, has, moreover, not been especially happy.

The international municipality as designed by the French is a matter of purely local importance. It will of course be completely dominated by French influence, but, as it will have no powers except those of a purely municipal nature, the constitution of the municipality need not cause much heartburning to His Majesty's Government.

A police force is essential for the reasons given in the French note, but it is eminently desirable that it should be under neutral command.

The above observations are offered from the purely local point of view, and do not take into account considerations of major policy, which are outside my province. I am now in receipt of your Lordship's telegram No. 19, which confirms the newspaper reports to the effect that a conference will be held in London with a view to settling the Tangier question among others. A general settlement with the French Government might possibly, in the opinion of His Majesty's Government, warrant their making important concessions to the French view in regard to Tangier. But if it be still of imperial importance that no Great Power shall dominate Tangier strategically or economically, then I venture to express the view that the considerable concessions already provided for in the draft convention referred to above represent the furthest limits to which we can safely go.

I have, &c.
ARNOLD ROBERTSON.

(b.) Italian Claim to take Part in the Tangier Negotiations.

[W 3672/197/28] No. 34.

Sir R. Graham to the Marquess Curzon of Kedleston.—(*Received May* 1.)

(No. 368.)

My Lord, *Rome, April* 25, 1922.

I HAVE the honour to report that the Director-General of Political Affairs at the Ministry for Foreign Affairs, in conversation with the Counsellor of this Embassy this morning, raised the question of Tangier, and suggested that it would be desirable that Italy should lend her support in insisting on the maintenance of an international régime at that port. Commendatore Lago, who was a colleague of Mr. Kennard at Tangier, pointed out that Italy was interested in the question as a Mediterranean Power who had no desire to see a naval base established by any Power at the entrance to the Mediterranean. She was further interested in Morocco generally as an outlet for Italian emigrants, who had proceeded there in large numbers. He therefore considered that Italy had a privileged position in the matter, and could possibly render material assistance in securing the definite institution of an international régime at Tangier.

Mr. Kennard made no observations on Commendatore Lago's suggestion beyond enquiring whether it represented the official view of the Italian Government. On receiving a reply in the affirmative, he stated that he would report the conversation to me.

I should be grateful for an expression of your Lordship's views as to whether, if this offer of Italian co-operation is repeated, it would be desirable to encourage or discourage the idea.

I have, &c.
R. GRAHAM.

[W 3672/197/28] No. 35.

The Marquess Curzon of Kedleston to Sir R. Graham (Rome).

(No. 599.)

Sir, *Foreign Office, May 9, 1922.*

I HAVE received your despatch No. 368 of the 25th ultimo, reporting that an official of the Ministry for Foreign Affairs had, in conversation with the Counsellor of His Majesty's Embassy, raised the question of Tangier and suggested that Italy should lend her support in insisting on the maintenance of an international régime at that port.

2. The Italian Ambassador at London and the secretary to the Embassy have each, on more than one occasion, put forward a tentative proposal that Italy should take part in the Tangier negotiations They have always been informed that the negotiations had for their object the revision of a Tripartite Agreement between France, Spain and Great Britain, and that there could be no question of admitting Italy to the discussions. At the time I formed the impression that the Italian Ambassador was acting on his own initiative rather than in pursuance of definite instructions from his Government, but from Commendatore Lago's language it would appear that this was not the case, and that the Italian Government now hope by an offer of support to cause His Majesty's Government to modify their view.

3. Whilst I am anxious to avoid hurting Italian susceptibilities, it would be difficult, even if it were wise, to bring in a fourth party at this juncture. I think that if the offer of Italian co-operation is repeated it would be best for your Excellency to reply that His Majesty's Government learn with satisfaction, but without surprise, that the Italian view of an international régime coincides with their own, but that, for the moment, the arrangements for the proposed conversations between France, Spain and Great Britain are in abeyance, and it cannot be said with certainty when they will be resumed.

I am, &c.
CURZON OF KEDLESTON

[W 5394/197/28] No. 36.

Extract from British Secretary's Notes of a Conversation held in the Secretary of State's Room, Foreign Office, London, on Monday, June 26, 1922 (I.C.P. 249 D.).

Present:

Great Britain.	Italy.
The Right Hon. the Earl of Balfour, K.G., O.M., Acting Secretary of State for Foreign Affairs. Mr. R. G. Vansittart, C.M.G., M.V.O.	Signor Schanzer. The Marquis Visconti-Venosta. Nobile Cav. Giacomo de Martino.
Secretaries.	
Sir Maurice Hankey, G.C.B. Mr. Pembroke Wicks.	

Tangier.

SIGNOR SCHANZER said that, finally, there was the very urgent and important question of Tangier. Italy had no Imperialistic tendencies. That they had shown at Washington in their attitude on the Pacific. It was, however, impossible from the point of view of Italian public opinion, that Italy should be put on one side when a Mediterranean question came forward. Before the war Italy had a very big interest in Tangier, and she shared in the administration of the city. Of course the British Government could not give consent in the name of the French, but Italy asked Great Britain to give consent on her own account to Italy being represented at the forthcoming negotiations because Italy occupied such an important position in the Mediterranean.

LORD BALFOUR said he was very glad that Signor Schanzer had raised the question of Tangier, which, in one sense, was already an international one, because

the Corps diplomatique by tradition and custom, although not in virtue of any treaty, had a right to administer the town. Therefore Italy in that sense, as one of the Powers, was directly interested. Also, Italy was a great Mediterranean Power, and any important change in the Mediterranean was of great interest to her. Practical difficulties had arisen out of treaties to which Great Britain, France and Spain were parties, but not Italy, nor the United States of America, nor any other country. As Signor Schanzer was aware, Great Britain and France had not been able to agree. The Spaniards held strongly, and Great Britain was inclined to agree, that the French were going beyond their rights. There was very little doubt that the French wanted to get Tangier and retain control of it, as they had over the whole of Morocco except the Spanish zone. The Morocco question was divided into three parts:—

Morocco proper, which was under purely French control, although technically there was a Sultan of Morocco—the Spanish zone, which. it was true, was not very successfully managed by the Spaniards, but over which Spain juridically had undisputed rights—and, finally, Tangier, which ought to be put under international control and would have been so put in 1914 had it not been for the outbreak of the Great War. The war being over, it might be supposed the proper course was to finish the old negotiations of 1914 on the lines then agreed to. That was the Spanish and British view, but not the French view, and a conference was being arranged in London at the end of July between those three Powers in regard to the treaties between those Powers. That did not suggest that Italy had no interest; it simply went on the basis of the treaty. Great Britain, France and Spain were not agreed on the interpretation of that treaty, and accordingly must confer. If it were a question of coming to an agreement on a general matter of internationalisation, then Italy, as a great nation and Mediterranean naval Power, would have a great interest in such internationalisation; but for the present there was the practical question as to how the treaties were to be interpreted.

SIGNOR SCHANZER said that the negotiations before the war had not been concluded; they were merely plans for an agreement, and therefore the question was an open one. Internationalisation was an awkward question, and a Mediterranean Power like Italy must naturally be a party to a matter of that kind. It would be very embarrassing if he came to a conference at the end of July in London and at the same time a conference was being held between Great Britain, France and Spain on this question to which Italy was not admitted. Moreover, he thought that Great Britain would not find it a disadvantage to have Italy in the discussion.

LORD BALFOUR thought that that was indeed very likely, but asked how the admission of Italy could be justified juridically?

SIGNOR SCHANZER said that in his view there were no treaties between the three Powers—only negotiations. Internationalisation as a question was an open one, and Italy as a principal Mediterranean Power was concerned. Certainly the Italian Government would support Great Britain on the question of internationalisation.

LORD BALFOUR asked whether it was possible to call the question open, because Great Britain, France and Spain had already made treaties about it. His difficulty was in regarding the matter as *tabula rasa* upon which any Power had an equal title to come in—in which case no one had a higher right than Italy. Historically there was a controversy between England, France and Spain. It might be that they had no right to settle the destiny of Tangier, but they had a right to settle what their own treaties meant.

SIGNOR SCHANZER said that perhaps there were ancient treaties, but the Algeciras Agreement, in which Italy took part, came after them. There were no treaties later than Algeciras—only projects. The legal position was the existence of the Algeciras Agreement. Signor Schanzer then read the title of some later proposals, which were headed only "Project of Agreement." Consequently he thought the question was an open one.

LORD BALFOUR said he would not like to say offhand that other nations were not entitled to say that they had a right to be heard, but he wanted to make it quite clear what Great Britain had been doing in relation to Spain and France. Great Britain was of opinion that France had entered into an obligation in respect of Tangier to Great Britain and to Spain. The French could not deny this. All they could say was that the agreement did not carry the consequences imputed to it by Great Britain. It was not a very old treaty. The first one was in 1904. On the basis

of that there were various engagements which Great Britain thought France was not carrying out, and the object of the conference was to try and get rid of that grievance. The fact that an attempt was being made to settle that question did not derogate from the rights of anyone else.

SIGNOR SCHANZER asked what was the treaty to which Lord Balfour was referring?

LORD BALFOUR said that the question arose out of an agreement between England and France when he was Prime Minister, about 1903 to 1904, in which an attempt was made to cover all questions between France and Great Britain throughout the world, and in that way the question of Tangier had arisen. Great Britain had been prepared to recognise the French protectorate of Morocco on the condition of the internationalisation of Tangier. France was now trying to get out of that. On that basis various arrangements had been made and pledges given, which were to be carried out in 1914, and the conversations of 1914 were to carry out the engagements between France and England and between France and Spain.

SIGNOR SCHANZER said that the internationalisation of Tangier concerned Italy. If there was a conference and Italy was not called in, it would make a very strange impression in Italy. He asked Lord Balfour to put himself in the position of the Italian Government. The object of the proposed meeting was the internationalisation of Tangier. If Italy was not called in to take part, that was a position the Italian Government could not accept.

LORD BALFOUR said that the last thing he wanted was to exclude Italy. His observations did not relate to the question of Italy coming into a conference on the internationalisation of Tangier. He only meant that Italy could not come in to settle a quarrel between France, Great Britain and Spain.

SIGNOR SCHANZER pointed out that the Italian Government had a representative in the administration of Tangier, and he did not see how this question differed from the general question of Tangier.

LORD BALFOUR said that they might have a general conference on Tangier, but that went far beyond the specific question of the French obligations which would be before the proposed conference.

SIGNOR SCHANZER said that he would be in a very embarrassing situation. If Great Britain would give her consent, he would immediately make the same request to M. Poincaré.

LORD BALFOUR said that he would like to know—and he begged Signor Schanzer not to think that he was unsympathetic—why in the past disputes arising out of the protectorate of Morocco Italy had said nothing? If Italy were admitted, the whole scope of the conference and terms of reference to it would have to be altered.

SIGNOR SCHANZER said that, speaking frankly, the probability was that France would refuse to allow Italy to be admitted. He was therefore only asking Lord Balfour to make a gesture, which would make a very good impression in Italy and would not cost Great Britain much.

LORD BALFOUR said that, on the merits, he would much like to have Italy in. Great Britain and Italy always worked well together.

M. DE MARTINO said that the Italian Government always took the same line as Great Britain. He thought that Paris would refuse the request, and it would simply mean that Great Britain was showing a friendly attitude to Italy.

LORD BALFOUR said that his difficulty, apart altogether from France and Spain, was that it would involve inviting all the signatories of the Algeciras Agreement.

SIGNOR SCHANZER said that he would have no objection to that. Italy was basing her position on the Algeciras Agreement.

LORD BALFOUR said that he understood Signor Schanzer's position and hoped that Signor Schanzer understood his. He could not simply say that he would agree to Italy coming to the conference. There were other things to be considered, such as the scope of the conference, and he would ask for more time. He could say definitely that the interests of Italy and Great Britain in the Mediterranean were quite identical.

SIGNOR SCHANZER asked, in conclusion, so far as the general formula was concerned, which Lord Balfour said was very vague, whether Lord Balfour had any other formula to suggest?

LORD BALFOUR said that the final formula must depend upon the agreements that were come to at later meetings. He would propose to open with a general expression of goodwill and then to recite the various agreements that were come to.

He enquired when it would be possible for Mr. Lloyd George to see Signor Schanzer?

SIGNOR SCHANZER replied that perhaps it would be better to clear the ground a little first.

LORD BALFOUR then enquired whether Mr. Churchill could see Signor Schanzer on the following day?

SIR MAURICE HANKEY suggested that it might be possible in the afternoon.

2, *Whitehall Gardens, S.W.* 1,
June 26, 1922.

[**W 5442/197/28**] No. **37.**

Extract from British Secretary's Notes of a Conversation held in the Secretary of State's Room, Foreign Office, London, on Wednesday, June 28, 1922 *at* 12 *noon* (I.C.P. 249-E.).

Present:

Great Britain.	Italy.
The Right Hon. the Earl of Balfour, K.G., O.M., Acting Secretary of State for Foreign Affairs.	M. Schanze.
Mr. R. G. Vansittart, C.M.G., M.V.O. (Foreign Office).	Nobile Cav. Giacomo de Martino.
Secretaries.	
Sir Maurice Hankey, G.C.B.	
Mr. Pembroke Wicks.	

(Secret.)

* * * * * *

2. LORD BALFOUR then enquired whether M. Schanzer had thought any more about Tangier. As the matter had been left, he (Lord Balfour) had expressed great sympathy with the Italian desire to take part in any international conference relating to Tangier. At the same time he had pointed out that an invitation could hardly be extended to Italy at this stage, because of the proposed conference relating to treaty engagements between Great Britain, France and Spain, and it would be very difficult to allow a fourth, fifth or sixth Power to come in. He admitted that, inasmuch as he was afraid that the French meant to defeat the arrangements to internationalise Tangier, all the interests of Great Britain, Italy and Spain were identical. If France succeeded in throwing on one side the international arrangements, Italy would suffer equally with the rest. Therefore, the negotiations he foresaw were apparently divided into two parts: first, the controversy between France, Spain and Great Britain with regard to the interpretation of international engagements on the policy of internationalisation; second, immediately that was concluded the international side would come in, and from that he did not think Italy could or ought to be excluded. He ought to add that if Italy came in, as was her right, it was not easy to see how other Mediterranean Powers were to be excluded.

M. SCHANZER enquired what Powers Lord Balfour had in mind?

LORD BALFOUR said he did not suppose M. Schanzer would exclude Greece.

M. SCHANZER said that he was not opposed to the inclusion of Greece.

LORD BALFOUR pointed out that Portugal, which was just outside the Mediterranean, was very deeply interested and was a signatory of the Algeciras Agreement. Moreover, it would be difficult to exclude the United States of America, which was now a great maritime Power.

M. SCHANZER said that it was not his intention to exclude other nations, but the inclusion of Italy was most necessary. Would it be possible to have the ideas Lord Balfour had expressed embodied in some declaration, because it was very embarrassing to him that the proposed conference was arranged for the end of July between the three Powers, from which Italy was excluded. Could not Lord Balfour make a statement or declaration, he asked, or could there not be an exchange of notes explaining the ideas which Lord Balfour had set out? That would give satisfaction.

LORD BALFOUR said he would see what he could do, and enquired whether M. Schanzer would like such a statement to be associated with declarations on other questions? Would he like to go back to Italy with a rather wider statement?

M. SCHANZER said that was a question of form which could be considered. The question of substance would be to make clear the distinction between the preliminary discussion of the three Powers on the interpretation of treaties, and the fact that Italy was interested as a Mediterranean Power in the broad question of internationalisation. He would also like to know what might be the eventual conclusion of the discussions between France, Great Britain and Spain, and whether these might not prejudice the future settlement of Tangier?

LORD BALFOUR said he appreciated M. Schanzer's point. M. Schanzer meant that if France, Great Britain and Spain were going to discuss the matter, and supposing that the conference ended in Great Britain saying that she would have preferred internationalisation but would not press it in face of the strong opposition to France, that conclusion would prejudice Italy?

M. SCHANZER concurred. That would finish the question altogether. If Lord Balfour could, in his account, recognise the Italian interest in the question, it would be better. He knew the French would deny it. In the first stage he admitted there was a question of the interpretation of treaties, but the same broad question of Tangier was at the bottom of the matter, and he thought it was rather dangerous for Italy to be excluded.

LORD BALFOUR said that he was very unwilling to proclaim that the last thing Great Britain would contemplate was giving up internationalisation, but that was the fact. If he were to say so, the result might be that the whole conference would break down. Among the arguments Great Britain would use was not only that France was bound by the treaties, but that other maritime Powers not represented at the conference must be consulted before it could be decided to give Tangier absolutely to France. That was an argument he was quite prepared to use, and that the other maritime Powers must be informed before any conclusion was arrived at. He would like to consult the jurists on the following matter. He did not think that the three Powers had any right to give away at the proposed conference any moral rights which other Powers might have, and, speaking for Great Britain, he did not propose that they should be given away. He enquired whether M. Schanzer thought it desirable that he (Lord Balfour) should *officieusement* indicate to the French Ambassador that Italy was interested in the fate of Tangier?

M. SCHANZER said he certainly thought it desirable. He did not know if the programme for the meeting of the three Powers had been strictly settled, because, if not, perhaps Lord Balfour might be able to affirm that the scope of the meeting should cover not merely the interpretation of treaties but also the question of the internationalisation of Tangier. If a wider basis were adopted he would then be quite justified in calling Italy in.

LORD BALFOUR said that he would carefully consider the suggestion that he himself had ventured to make.

[W 5491/197/28] No. 38.

Extract from British Secretary's Notes of a Conversation held in the Prime Minister's Room, House of Commons, on Thursday, June 29, 1922, at 5 P.M. (I.C.P. 249 F.).

Present:

Great Britain.	Italy.
The Right Hon. D. Lloyd George, O.M., M.P., Prime Minister.	M. Schanzer.
The Right Hon. the Earl of Balfour, K.G., O.M., Acting Secretary of State for Foreign Affairs.	Nobile Cav. Giacomo de Martino.
Mr. R. G. Vansittart, C.M.G., M.V.O., Foreign Office.	The Marquis Visconti-Venosta.
Secretaries.	
Sir Maurice Hankey, G.C.B.	
Sir Edward Grigg, K.C.V.O., C.M.G.	
Mr. Pembroke Wicks.	

(Secret.)

* * * * * *

Tangier.

LORD BALFOUR said that in the matter of Tangier, so far as he knew, Italy had no actual treaty rights in Tangier, but she was a great naval Power, and the position in Tangier could not be a matter of indifference to her. Great Britain desired the Italian Government to have a legitimate share in the discussions on the question. There was no discrepancy between the British and Italian points of view, but, on the contrary, a very close harmony. The British view was that Tangier should be internationalised. If that were done no nation in the Mediterranean would have a greater interest than Italy, apart from any matters arising out of treaties. The actual situation was not so simple, however. France, Great Britain and Spain had treaty rights and engagements. Whenever he had had anything to do with the Foreign Office in recent years—1916, 1917 and 1918—the Spanish Ambassador had been constantly directing his attention to the Spanish interests in Tangier and the gradual encroachment upon them by the French. There had been, in fact, a triangular diplomatic duel going on all the time, with Spain and Great Britain on the one side and France, one way or another, upon the other. By the *entente* arrived at with France in 1904 France had been given a free hand in Morocco, and had now a protectorate over the greater part of Morocco. The French argued that Morocco was in three parts:—

1. Morocco proper, including the greater part of the hinterland, which they controlled.
2. The Spanish zone.
3. Tangier.

The French wanted to get control of Tangier, which was separated from their own zone by the whole breadth of the Spanish zone and at no point had any contact with Tangier. The French were ready to give assurances about custom-houses and on naval matters, but, in effect, what they wanted was that Morocco should become entirely French. Unfortunately the Spanish had shown no administrative ability in their zone, in which the lives and property of foreigners were much less secure than elsewhere. But that did not alter the question of right. Spanish sentiment would be profoundly affected if this last vestige of their colonial Empire, at their very door, were taken away. While Great Britain desired that Tangier should be internationalised and wanted Italy to come into the negotiations, he did not see how Italy could take part in the earlier negotiations, which were between treaty Powers on the interpretation of treaties.

At that stage no fourth Power had a *locus standi*. He thought they should try and divide the negotiations into two stages: first, between France, Great Britain and Spain; and, second, international.

M. SCHANZER said that in principle there was no great difference between Italy and Great Britain. Lord Balfour recognised Italy's interest as a Mediterranean Power. Italy had agreements with the French before the war on the question of Morocco. While the questions to be dealt with in the conference between the three Powers concerned the interpretation of treaties, the real question was the internationalisation of Tangier, in which Italy was interested. Italy asked to be admitted, and it was very difficult, from the point of view of Italian public opinion, if repre-entatives of Italy were to come to the proposed conference at the end of July and yet were excluded from the negotiations relating to Tangier. It would be very difficult to explain this to the Italian public. As the real question was the internationalisation of Tangier and concerned Italy, and, as Italy was actually demanding to be a party to the negotiations, it would not be difficult for Lord Balfour to widen the purpose of the conference and to say to the French that, in view of the Italian demand to be admitted because they were interested, there was no objection so far as Great Britain was concerned. If Great Britain could do this, then he would make the same request to M. Poincaré. He did not see why the fact that the question was the interpretation of treaties need keep Italy out. It would be very difficult to explain that to Italian public opinion. Moreover, supposing the question were settled at the preliminary conference in a manner prejudicial to Italy, the matter would really be finished without Italy having been consulted. Why not make the proposal and leave it to the French to raise the difficulty if they wished?

LORD BALFOUR thought that perhaps that was worth exploring. It was obvious, however, that if they went beyond the three Powers by including Italy, they would find it impossible to exclude the Greeks and difficult to exclude the Americans.

MR. LLOYD GEORGE doubted whether it was necessary to ask the Greeks; perhaps it might be confined to the Great Powers. He enquired whether there was any objection to the Americans.

LORD BALFOUR said there was no objection at all. They would be of the same view as the British and the Italians

MR. LLOYD GEORGE said there were special reasons why Greece should not be invited. He would have thought it would be possible to say that the matter was one which affected all the Great Powers. Had it not been for the war, it would have been very difficult to exclude Germany.

LORD BALFOUR said that in some of the discussions in 1914, which had terminated owing to the war, Germany had been included.

MR. LLOYD GEORGE asked whether there was any harm in saying to the French that Great Britain would like to have Italy in, and also would have no objection to the United States.

LORD BALFOUR said that that would be entirely altering the basis of the 1914 negotiations and the arrangement made with M. Poincaré a few days ago.

MR. LLOYD GEORGE enquired whether the Americans were interested.

LORD BALFOUR said they might come in.

MR. LLOYD GEORGE said it would be a great advantage if they did so. It would be easier for Great Britain to take sides if there were five Powers there.

M. SCHANZER said that the Italian position had been altered by the Great War. Italy was much interested in the internationalisation of Tangier, and asked to be included.

MR. LLOYD GEORGE said he could not see any harm, if the application came from Italy, in saying that Great Britain thought it reasonable, and that there was an advantage in it.

LORD BALFOUR thought that the French would refuse, and would say that they would not have a conference if its scope was extended as proposed.

M. SCHANZER said he would try and arrange it with the French. He was not convinced that M. Poincaré would refuse to agree.

MR. LLOYD GEORGE said the French might refuse to come at all. If this point were raised they might make it an excuse for further postponements. On the

other hand, if the discussions were started *à trois*, they were bound to break down in the end, and that must lead to a great international conference.

M. SCHANZER said that having been informed of Mr. Lloyd George's conversation with M. Poincaré, he now asked that Italy should be admitted to the proposed conference. In the presence of that demand the British Government could give their opinion and say that, so far as they were concerned, they agreed.

MR. VANSITTART thought that it would be necessary to sound France and Spain without actually giving them an excuse to break their word.

MR. LLOYD GEORGE said that Great Britain might express her opinion that it would be desirable.

MR. VANSITTART said that they might inform France and Spain that the Italian Government had made the suggestion, and that Great Britain looked on it with favour.

M. SCHANZER said he would prefer to have the British answer instead of Great Britain consulting France and Spain. He would prefer to approach the French and Spaniards himself.

LORD BALFOUR said he must tell the French; he could hardly express a formal opinion to the Italian Government without letting the French and the Spaniards know.

It was agreed that the matter should be further discussed at a later meeting.

LORD BALFOUR said that he must mention that the French derived a certain advantage from delay. They would not mind if the conference broke down. Their policy consisted in a gradual encroachment upon Spanish rights, which the Spanish were unable to prevent.

* * * * * *

[W 5492/197/28] No. 39.

Extract from British Secretary's Note of a Conversation held at 10, Downing Street, London, on Friday, June 30, 1922, at 3 P.M. (I.C.P. 249 G.).

Present:

GREAT BRITAIN.	ITALY.
The Right Hon. D. Lloyd George, O.M., M.P., Prime Minister.	M. Schanzer.
Mr. R. G. Vansittart, C.M.G., M.V.O.	Nobile Cav. Giacomo de Martino.
Secretaries.	The Marquis Visconti Venosta.
Sir Maurice Hankey, G.C.B.	M. Guariglia (towards the end of the meeting).
Sir Edward Grigg, K.C.V.O., C.M.G.	
Mr. Pembroke Wicks.	

(Secret.)

* * * * * *

Tangier.

M. SCHANZER said that Lord Balfour had expressed the intention of asking the French Ambassador in London if he were ready to accept Italian intervention. Great Britain admitted that the question was one which concerned the Mediterranean, and consequently interested Italy. The Italian Government would like to have a statement from the British Government that they recognised that question as a Mediterranean question in which Italy was concerned as a Great Power and as a Mediterranean Power, and they would like the British Government to admit that they would not oppose Italian intervention. It was very embarrassing to the Italian Government to come to a conference in London and be excluded from this matter, because at the bottom of the conference between Great Britain, France and Spain the real question was the settlement of Tangier. If there should be any agreement between the other two Powers similar to the Algeciras Agreement this should be submitted to the other

Powers. He would leave it to the British Government to find a formula, but he would be glad if in that formula they would recognise that Italy was interested, and also add that the British Government admitted that Italy was justified in intervening in the preliminary stages. He would then make the same suggestion to M. Poincaré. This would not bind the British Government in any way, because they must, of course, first secure the consent of France and Spain.

* * * * * *

2, *Whitehall Gardens, S.W.* 1,
June 30, 1922.

(c.) The Tangier Port Concession.

[**W 13412/790/28**] No. 40.

The Marquess Curzon of Kedleston to Mr. Robertson (Tangier).

(No. 16.)

Sir, *Foreign Office, January* 12, 1922.

I HAVE received Mr. Kerr's despatch No. 497 of the 12th ultimo and your despatch No. 509 of the 21st ultimo regarding the harbour works at Tangier, and I transmit to you herewith copy of a despatch which I am addressing to His Majesty's Ambassador at Paris on the subject.* I am informing Mr. Alwyn Parker, the British director of the Société internationale, in a similar sense.

2. In the third paragraph of his despatch No. 497 Mr. Kerr requests guidance as to the attitude which he should adopt towards enquiries on the above question from British merchants in Morocco. I see no harm in letting it be known to the British community generally that the chief object of His Majesty's Government is to ensure that the Société internationale shall not, by the assignment of a majority of the shares, be under French control and that the position of the future international municipality at Tangier should not be prejudiced. They consider it essential that the control of the harbour should eventually be in the hands of the international authority and not in those of the French protectorate authorities. Subject to the above, His Majesty's Government are ready to agree to any scheme which meets with both French and Spanish approval, which satisfies the legitimate commercial requirements of Tangier, and which gives to all countries equal rights in tendering for construction and material.

I am, &c.
CURZON OF KEDLESTON.

[**W 13412/790/28**] No. 41.

The Marquess Curzon of Kedleston to Lord Hardinge (Paris).

(No. 122.)

My Lord, *Foreign Office, January* 13, 1922.

I TRANSMIT to you herewith copies of despatches from His Majesty's Chargé d'Affaires† and from His Majesty's agent and consul-general at Tangier,‡ and of my reply thereto,§ on the subject of the port works at Tangier.

2. I request that your Lordship will inform the French Government that the attention of His Majesty's Government has been called to the article from the "Dépêche marocaine" enclosed in Mr. Robertson's despatch No. 509, and that they presume there is no intention of allotting contracts for preliminary or other port works at Tangier at present.

3. His Majesty's Government cannot consent to the construction of any works whatever, including the "appontement" or jetty to which reference is made in the newspaper article, until the whole question of the Tangier port concession has been settled between His Majesty's Government and the French and Spanish Governments.

I am, &c.
CURZON OF KEDLESTON.

---

* See No. 41.
† See No. 69, Part 50.
‡ See No. 70, Part 50.
§ See No. 40.

[**W 914/72/28**] No. 42.

Lord Hardinge to the Marquess Curzon of Kedleston.—(Received January 28.)

(No. 243.)

My Lord, *Paris, January* 27, 1922.

I ADDRESSED to the French Government on the 14th instant a *note-verbale* in the sense of your Lordship's despatch No. 122 of the 12th January, conveying the intimation that His Majesty's Government cannot consent to the construction of any harbour works whatever, including the jetty under discussion, until the whole question of the Tangier port concession shall have been settled between the French and Spanish Governments and His Majesty's Government.

I have the honour to transmit herewith copy of the reply which I have now received from the French Ministry for Foreign Affairs. The initial paragraphs of this communication deal directly with the Tangier port concession, advancing arguments designed to meet our objections to the concession. The latter portion raises a new point. It announces that it is the Tangier–Fez Railway which will construct the wharf and pier in order to facilitate the landing of the heavy material for the development of its line.

As regards the concession itself, the note now under review defends its validity on the ground that the works were put up to public tender in accordance with the provisions of the Franco-German Treaty of the 4th November, 1911, an instrument declared to be still binding on Great Britain. It is contended that the development of Tangier cannot be held up by delay in recognising the right of the Sultan to grant concessions; and that other concessions, such as those for the landing of the Spanish cable at Tangier and for the tunny stake-nets in the same place have been granted by the Sultan without causing international friction. These statements seem worthless since the concession might have avoided the objectionable features which we have pointed out without receiving any satisfactory answer. Moreover, the instances given of successful exercise of the Sultan's right to grant concessions appear singularly badly chosen as difficulties occurred in each case.

The strength of the French position regarding the port concession is not increased by the restatement at this point of the note of two facts of which we are already aware, namely, that a certain portion of the capital of the concessionary company is British and that the French Government have given us vague assurances that, when the special régime of the future is instituted, its particular character will be reflected in the matter of economic opportunities.

Finally, the note makes the statement, already mentioned above, that the harbour works actually under construction, against which His Majesty's Government have protested, will be undertaken, not by the Tangier Port Company, but by the Tangier–Fez Railway. Such works are held to be necessary for the due extension of the railway, and legally defensible in view of the terms of the original concession for the construction of the line. It is a question of secondary importance whether these works are eventually to be included among the interests of the Tangier port concession, but any doubt on this score cannot be allowed to interfere with the right of the railway company to develop its property.

I am not in a position to state whether the above reasoning can be substantiated. His Majesty's agency at Tangier may be able to ascertain whether any work actually begun is for account of the port concession or for that of the railway company. It will be noticed, however, that in the enclosed note the references to the part to be played by the railway are invariably in terms of the future. There is therefore room for suspicion that the railway has begun to carry out the port works. Modern concessions for harbour construction generally include railway lines, and the French claim for the development of the Tangier–Fez railway might be pushed a long way.

I would also call your Lordship's attention to the circumstance that the French Government give no assurances whatever as to cessation of work by the port concession until a settlement is reached between the Powers concerned as to the terms of the concession. Nor is there any allusion in this latest exposition of the views of the French Ministry for Foreign Affairs now acting, as your Lordship has been informed, on revised principles in its treatment of the Tangier question, to a general discussion of this affair by the three Powers which might lead to an amicable solution of the points at issue.

I have, &c.
HARDINGE OF PENSHURST.

Enclosure in No. 42.

Note communicated by French Ministry for Foreign Affairs.

PAR sa note du 14 de ce mois, l'Ambassade d'Angleterre a bien voulu entretenir le Ministère des Affaires étrangères des travaux d'appontement ou de jetée dont la construction est projetée à Tanger. Le Gouvernement de Sa Majesté déclare ne pouvoir consentir à la construction de travaux de ce genre tant que toute la question de la concession du port de Tanger n'aura pas été réglée entre les Gouvernements français et espagnol et le Gouvernement de Sa Majesté.

Le Ministère des Affaires étrangères a l'honneur de rappeler à l'Ambassade d'Angleterre que la concession de travaux de port à Tanger a fait l'objet du dahir du 3 juin 1921 pris par Sa Majesté chérifienne, conformément aux dispositions du paragraphe 3 de l'article 6 du Traité franco-allemand du 4 novembre 1911. Ce traité n'est plus en vigueur à l'égard de l'Allemagne, mais il demeure en force à l'égard des Puissances qui l'ont reconnu, et parmi ces Puissances se trouve la Grande-Bretagne. En vertu de ces dispositions, le Sultan du Maroc est en droit de concéder des travaux publics dans l'Empire (la zone espagnole a été exceptée de cette disposition par le traité du 27 novembre 1912), sous réserve pour le concessionnaire de mettre en adjudication les fournitures et les travaux.

La méconnaissance des droits du Sultan sur ce point aboutirait à interdire à la ville de Tanger tout développement et tout progrès. Il ne paraît pas, d'ailleurs, que certaines concessions accordées à Tanger par Sa Majesté Moulay Youssef aient fait l'objet de contestations. C'est ainsi que l'État espagnol a été autorisé à faire atterrir un câble à Tanger. De même, une concession de pose de madrague a été délivrée à un groupe espagnol dans les eaux territoriales de Tanger sans que cette décision ait soulevé aucune difficulté.

Le Ministère des Affaires étrangères est d'autant plus fondé à penser que le Foreign Office ne peut pas persister dans son opposition à l'exécution des travaux du port de Tanger que la société concessionnaire contient une intéressante proportion de capitaux anglais et que l'Ambassadeur de la République à Londres a fait savoir au principal Secrétaire d'État des Affaires étrangères que " lorsque serait établi à Tanger le régime spécial prévu par les traités, le Gouvernement de la République n'aurait pas d'objection à ce que les conditions d'exploitation du port soient mises en harmonie avec ledit régime."

Cette assurance a été confirmée le 30 juin par M. Briand à Lord Hardinge.

La construction d'un appontement et d'une jetée doit soulever d'autant moins d'objections qu'ils sont absolument nécessaires pour permettre le débarquement du gros matériel destiné à la Compagnie franco-espagnole du Chemin de fer de Tanger à Fez, dont les travaux sont déjà très avancés. Retarder la construction de ces appontements serait contraire aux dispositions des traités en vigueur et aurait pour résultat un empêchement des travaux entrepris pour le plus grand bénéfice de toutes les colonies européennes du Maroc et une augmentation considérable des charges des Gouvernements français et espagnol, qui garantissent le capital de la compagnie.

Au surplus, l'exécution des appontements destinés à permettre le débarquement du matériel du Chemin de Fer de Tanger à Fez ne sera pas confiée à la Compagnie internationale pour le Développement de Tanger. Il résulte de renseignements fournis au Ministère des Affaires étrangères que les travaux, dont l'ingénieur du Corps diplomatique à Tanger a envisagé l'exécution immédiate et dont il a entretenu le représentant de Sa Majesté au Maroc, seront exécutés par la Compagnie du Tanger–Fez. Ainsi qu'il est stipulé par l'article 18 du cahier des charges annexé à la Convention de Concession du 18 mars 1914 du Chemin de Fer de Tanger à Fez, approuvée en France par la Loi du 11 avril 1916 et en Espagne par la Loi du 17 juillet 1914, l'appontement nécessaire au Tanger–Fez, en attendant la construction du port, ne peut être refusé à cette compagnie dès qu'elle en aura besoin pour débarquer son matériel. La question de savoir si cet appontement sera ultérieurement englobé dans les ouvrages du port définitif et sera repris, s'il est utile, par la Société internationale pour le Développement de Tanger, est une question secondaire dont le règlement ne peut avoir pour conséquence d'empêcher la Compagnie du Chemin de Fer de Tanger à Fez d'user des droits que lui confère sa concession et, en mettant obstacle au débarquement de son matériel, de suspendre la mise en service de la ligne.

Ministère des Affaires étrangères, Paris,
le 24 janvier 1922.

[W 914/72/28] No. 43.

The Marquess Curzon of Kedleston to Lord Hardinge (Paris).

(No. 377.)
My Lord, *Foreign Office, February 8*, 1922.

I HAVE received your despatch No. 243 of the 27th ultimo, transmitting a copy of a note from the French Government on the subject of the Tangier harbour concession.

2. If the question of the concession had only just arisen there might be thought to be some force in the appeal made by the French Government to article 6 of the Franco-German Convention of November 1911; but the question is far from new and the hands of the French Government are tied by their previous action. If they are at liberty now to grant the concession to whom and on what terms they choose, they were equally free to do so between November 1911, and August 1914. That they did not hold this view at that time is sufficiently proved by their consenting to and taking part in the prolonged negotiations and discussions which led to the formation of the Société internationale pour le Développement de Tanger, and to the appointment of the Commission internationale du Port de Tanger. If any further proof be needed it will be found in Lord Bertie's despatch No. 101 of the 24th February 1912, in which his Excellency reported that M. Poincaré himself had expressed the view that, as Tangier was to be internationalised, the French Government would not be free to grant a concession for the construction of a port there.

3. The French Government state in their present note that the jetty, against the construction of which His Majesty's Government are protesting, will be built by the Tangier–Fez Railway Company. In a recent letter from the representative of the British group on the board of the Société internationale he stated he was definitely informed that it was the Société who proposed to undertake the construction. There seems, therefore, to be here another misunderstanding.

4. I request that your Lordship will renew your protest, calling special attention to M. Poincaré's own expression of view in 1912.

I am, &c.
CURZON OF KEDLESTON.

[W 2190/72/28] No. 44.

Lord Hardinge to the Marquess Curzon of Kedleston.—(*Received March* 11).

(No. 595.)
My Lord, *Paris, March 9*, 1922.

ON the receipt of your Lordship's despatch No. 377 of the 8th February last respecting the Tangier harbour concession, I addressed, as therein instructed, a further note to the French Government, of which I now transmit a copy. I have also the honour to enclose copy of the French reply to this communication.

The answer is purely obstructive in its intention. There is no attempt whatever to meet the arguments advanced in paragraph 2 of your Lordship's above-mentioned despatch, and, in particular, the note makes no reference to the contradiction between the assurances given to Sir Francis Bertie by M. Poincaré in 1912 and the theory of the rights of the Sultan of Morocco which the French Government have now adopted. The contentions of His Majesty's Government are simply ignored, the terms of the previous French note of the 24th January being substantially repeated, with one exception. In the second paragraph of the new note it is stated that the right of the Sultan to grant concessions in the Tangier zone remains valid until the institution of the " régime spécial " for which existing treaties provide, and in a further phrase the assurance is given that, in the contemplation of the French Government, the terms of the concession of June 1921 are not to be incompatible with the eventual status of Tangier; that is to say, the Sultan will, if necessary, issue a fresh dahir, so modifying the concession as to bring it into harmony with the final settlement of the Tangier question. These explanations are interesting as far as they go, but it remains evident that, if the tripartite negotiations should prove abortive or incomplete, the French Government would consider themselves justified in ruling the Tangier zone by decree of the Makhzen, and could thus prolong and intensify a *de facto* situation which would confirm the authority of the Sultan in the eyes of the inhabitants.

The inadequacy of M. Poincaré's rejoinder to your Lordship's enquiries is equivalent to a refusal to discuss, for the moment, the real question at issue, and, unless

it is necessary to protest against this rather discourteous proceeding, it seems useless, in the interval before the London meeting, to expect any advantage from further correspondence.

I have, &c.
(For the Ambassador),
MILNE CHEETHAM.

Enclosure 1 in No. 44.

Note to French Government.

HIS Majesty's Embassy did not fail to make known to His Majesty's Principal Secretary of State for Foreign Affairs the terms of the note which the Ministry for Foreign Affairs was good enough to communicate to it on the 24th ultimo respecting the Tangier harbour concession and the works now under construction or in contemplation at that port.

In reply to that note, His Majesty's Embassy has now been instructed to emphasise the following considerations, which appear to Lord Curzon to justify a revision of the attitude of the French Government in this matter:—

If the question of the concession for the Tangier harbour works had only just arisen, there might be thought to be some force in the appeal (which constitutes the main contention of the Government of the Republic) to article 6 of the Franco-German Convention of the 4th November, 1911; but the question is far from new, and the hands of the French Government are tied by their previous action. If they are at liberty now to grant the concession to whom and on what terms they choose, they were equally free to do so between November 1911 and August 1914. That they did not hold this view at that time is sufficiently proved by their consenting to and taking part in the prolonged negotiations and discussions which led to the formation of the Société internationale pour le Développement de Tanger, and to the appointment of the Commission internationale du Port de Tanger. If any further proof be needed, it will be found in the official record of the interview which took place between M. Poincaré and Sir F. Bertie on the 23rd February, 1912. On that occasion M. Poincaré referred in definite terms to the question of a concession for the construction of a harbour at Tangier. Sir Francis Bertie, in consequence, reported to Sir E. Grey that M. Poincaré had assured him that, since Tangier was to be internationalised, the Makhzen would not be free to grant a concession for the construction of a port there.

In the final paragraph of the note from the Ministry for Foreign Affairs now under reply, it is further averred that the jetty, against the construction of which His Majesty's Government are protesting, will be built by the Tanger–Fez Railway Company. Nevertheless, the representative of the British group on the board of the Société internationale pour le Développement de Tanger announced in a recent letter that he had been definitely informed that it was the Société internationale which proposed to undertake the construction. On this point it would therefore seem that some misunderstanding must have arisen.

His Majesty's Embassy has the honour to express the hope that this minor question of fact may be made clear, and trusts, moreover, that it will now be easily recognised that there is no disparity between the language of M. Poincaré quoted above and the attitude respecting the status of Tangier which His Majesty's Government have always assumed and to which they still adhere.

British Embassy, Paris, February 13, 1922.

Enclosure 2 in No. 44.

Note from French Government.

PAR sa note du 13 février, l'Ambassade de Sa Majesté a bien voulu entretenir à nouveau le Ministère des Affaires étrangères du point de vue du Gouvernement britannique dans la question du port de Tanger et lui demander si l'appontement dont la construction est projetée devait être effectué par la compagnie concessionnaire du port ou par la Compagnie du Chemin de fer de Tanger à Fez.

Le Ministère des Affaires étrangères a l'honneur de faire savoir à l'Ambassade de Sa Majesté que la manière de voir du Gouvernement de la République touchant le

droit du Sultan du Maroc d'accorder des concessions à Tanger a déjà été exposée à l'Ambassade britannique à plusieurs reprises, et en dernier lieu par la note du 24 janvier dernier, à laquelle on ne peut que se référer. Le droit du Sultan demeure pour nous incontestable tant que n'aura pas été instauré à Tanger et dans sa zone le régime spécial prévu par les traités. Une autre conception des droits du Maghzen aurait abouti à condamner Tanger à la stagnation et à la ruine; plusieurs concessions ont, d'ailleurs, été accordées à Tanger, notamment à l'État espagnol et à un groupe espagnol, sans soulever aucune protestation. Le Ministère des Affaires étrangères, au surplus, rappelle, d'autre part, que la concession octroyée le 2 juin 1921 à la Société internationale pour le Développement de Tanger ne devra pas être en contradiction avec le statut éventuel de cette ville et de sa zone. Si une contradiction apparaissait, le Sultan aurait à mettre le dahir précité de concession en harmonie avec le statut adopté pour la ville.

Ce n'est pas, en effet, le Gouvernement de la République qui a délivré la concession du 2 juin dernier, comme paraît le supposer le Gouvernement britannique, mais bien et exclusivement le Sultan du Maroc, dans l'exercice de son droit.

Ainsi, la décision du Sultan faisant entreprendre à Tanger des travaux de port réclamés par l'unanimité des colonies européennes—à l'appel de la colonie britannique, qui a pris l'initiative de ce vœu—ne constitue pas, à l'égard du statut futur de la ville, une hypothèque de nature à créer quelque embarras que ce soit.

Enfin, le Ministère des Affaires étrangères a l'honneur de confirmer à l'Ambassade royale que, si incontestable que soit aux yeux du Gouvernement de la République le droit de la Société internationale pour le Développement de Tanger de construire l'appontement nécessaire aux travaux du chemin de fer, c'est bien la Compagnie du Chemin de fer de Tanger à Fez qui se propose d'effectuer lesdits travaux dans les conditions fixées par les règlements internationaux en vigueur. Toutes explications ont été fournies à ce sujet à l'Ambassade de Sa Majesté par la note précitée du 24 janvier dernier.

Ministère des Affaires étrangères, Paris,
le 8 mars 1922.

[**W 2230/72/28**] **No. 45.**

Mr. Robertson to the Marquess Curzon of Kedleston.—(*Received March* 13.)

(No. 79.)

My Lord, *Tangier, March* 2, 1922.

I RECEIVED yesterday in the confidential print copies of Lord Hardinge's despatch No. 243 of the 27th January to you, and of your Lordship's reply No. 377 of the 8th February, on the subject of the Tangier harbour concession and the proposed construction of a jetty for the landing of material for the Tangier–Fez Railway.

In the course of my conversation with M. Malégarie, chief engineer of the Public Works Department of Tangier, which I reported in my despatch No. 509 of the 21st December last, he told me that the construction of the jetty was a matter of urgent importance to the railway, which could not otherwise land its locomotives and other heavy material. He said that he was fully aware of the difficulties which had arisen in regard to the port concession, and added that it had occurred to him that perhaps a way out of the difficulty might be found if the railway company constructed the jetty on their own account. This would not affect the question of the construction of the port, though the port company might buy the jetty afterwards if they so wished. I was most careful not to commit His Majesty's Government in any way to an acceptance of this scheme, and M. Malégarie certainly never informed me that it had been accepted.

I yesterday caused further enquiries to be made of M. Malégarie, who informed Mr. Codrington that the railway company are in fact to build the jetty, though the work has not yet begun. On the other hand, my Spanish colleague told me this morning that he knew nothing of the project, which seems curious in view of the fact that 40 per cent. of the capital of the Tangier–Fez Railway Company is Spanish. It might be worth while to enquire at Paris what authority the French Government have for stating that this company will build the jetty and whether Spanish interests have given their consent.

As regards the contention of the French Government that other concessions, such

as those for landing a Spanish cable at Tangier and for tunny stake-nets, had been granted by the Sultan without international friction, I agree with Lord Hardinge that these instances are singularly ill-chosen. From my predecessor's despatch No. 159 of the 20th April, 1921, to your Lordship, it will be seen that the Spanish Minister merely applied to Sid Tazi, as the local authority, for permission to land the cable. He did not admit that the Sultan had the right to grant that permission, though His Majesty in fact did so.

As regards the tunny stake-nets, my Spanish colleague informs me that no dahir has been issued by the Sultan granting a concession to the Spanish company. The Spanish contention is, and always has been, that, in accordance with treaty stipulations, anyone has the right to fish in Tangier waters, even with stake-nets. Some sort of document was given to the Spanish company by M. Malégarie, acting as technical adviser of the Makhzen, but that was no affair of the Spanish Government's, who did not recognise the necessity for any such document or for the permission of the Sultan.

I have, &c.
ARNOLD ROBERTSON.

[W 2230/72/28] No. 46.

The Marquess Curzon of Kedleston to Lord Hardinge (Paris).

(No. 791.)
My Lord, *Foreign Office, March* 20, 1922.

I HAVE received your despatch No. 595 of the 9th instant on the subject of the proposed construction of a jetty in Tangier harbour, and I agree with you that the French reply is as unsatisfactory as it is discourteous.

2. I request that your Excellency will express to the French Government my regret that no attempt should have been made to meet the arguments advanced by His Majesty's Government, which they have thought fit completely to ignore. In the circumstances His Majesty's Government have no alternative but to maintain their protest.

I am, &c.
CURZON OF KEDLESTON.

[W 2230/72/28] No. 47.

The Marquess Curzon of Kedleston to Mr. Robertson (Tangier).

(No. 109.)
Sir, *Foreign Office, March* 20, 1922.

WITH reference to your despatch No. 79 of the 2nd instant, I transmit to you herewith a copy of a despatch from His Majesty's Ambassador at Paris,* together with a copy of my reply,† on the subject of the proposed construction, by the Tangier–Fez Railway Company, of a jetty in Tangier harbour.

2. I assume from Mr. Kerr's despatch No. 497 of the 12th December last, and previous reports, that there is no foundation for the French statement that the British community at Tangier were the moving spirits in an appeal to the Sultan for the construction of a port. In case, however, the subject should be again brought up I should be glad to learn definitely from you whether there is any ground at all for the French allegation.

3. You will observe from the last paragraph of the French note enclosed in Lord Hardinge's despatch that the French Government state that the jetty is to be built by the Tangier–Fez Railway Company and not the Société internationale. In the circumstances, and in view of the fact that I am maintaining my protest against the construction of the jetty, I do not feel that I can well adopt your suggestion and enquire now from the French Government on what authority they state that the railway company will build the jetty.

I am, &c.
CURZON OF KEDLESTON.

---

* See No. 44.

† See No. 46.

[W 3115/72/28] No. 48.

Mr. Robertson to the Marquess Curzon of Kedleston.—(Received April 10.)

(No. 135.)
My Lord, *Tangier, March* 31, 1922.

WITH reference to your Lordship's despatch No. 109 of the 20th instant, I would venture to suggest to your Lordship that, in the penultimate paragraph of his note of the 8th March, addressed to His Majesty's Embassy at Paris, M. Poincaré does not state that the British community here were the moving spirits in an appeal "to the Sultan" for the construction of a port, but only that the British colony took the initiative in formulating an appeal, which was unanimously subscribed to by the other European colonies, for its construction.

The French Premier doubtless refers to the joint petition of the French, Spanish and British Chambers of Commerce, a copy of which was transmitted to your Lordship in Mr. Clark Kerr's despatch No. 548 of the 1st November, 1920. This petition was addressed to the diplomatic agents of the three countries. It called attention to the commercial stagnation existent at Tangier, and urged, among other measures, the early construction of a port. It is true that the British Chamber of Commerce were the prime movers in making this appeal, but their demand naturally postulated an equitable port concession.

I have caused enquiries to be made, but have heard of no other appeal to which M. Poincaré might have referred.

I have, &c.
ARNOLD ROBERTSON.

[W 3303/72/28] No. 49.

Lord Hardinge to the Marquess Curzon of Kedleston.—(Received April 18.)

(No. 946.)
My Lord, *Paris, April* 13, 1922.

I HAVE the honour to transmit herewith copy of a note from the French Government in answer to the communication which, in accordance with your instructions, I addressed to M. Poincaré on the 23rd ultimo maintaining the protest of His Majesty's Government against the construction of any works whatever in Tangier harbour in present circumstances.

Your Lordship will see that this note is a mere acknowledgment of receipt and adds nothing to our previous understanding of the French attitude beyond a statement of the conviction of the Quai d'Orsay that it is acting in the interests of the European colonies in Tangier.

I have, &c.
HARDINGE OF PENSHURST.

Enclosure in No. 49.

M. Poincaré to Lord Hardinge.

Ministère des Affaires étrangères,
M. l'Ambassadeur, *Paris, le 12 avril* 1922.

PAR votre lettre du 23 mars dernier, vous avez bien voulu me faire savoir que le Gouvernement britannique maintenait sa protestation contre la construction de tous travaux de port à Tanger.

J'ai l'honneur d'accuser réception de cette communication et de vous rappeler toutes les considérations exposées par mon Département en ce qui concerne le droit souverain du Sultan du Maroc sur Tanger, ainsi que les assurances données que les clauses de concession du port seraient, le moment venu, et s'il était nécessaire, mises en harmonie avec le futur statut de la ville de Tanger.

En maintenant sa manière de voir, le Ministère des Affaires étrangères a la ferme conviction qu'il défend les intérêts communs de toutes les colonies européennes de Tanger.

Veuillez agréer, &c.
POINCARÉ.

[W 4077/72/28] No. 50.

Mr. Robertson to the Marquess Curzon of Kedleston.—(*Received May* 15.)

(No. 181.)
Tangier, May 5, 1922.

My Lord,

WITH reference to your Lordship's despatch No. 109 of the 20th March, I have the honour to transmit to your Lordship herewith a copy of a memorandum by Mr. Codrington, recording a conversation which he had recently with M. Méchin, the engineer of the Tangier–Fez Railway, on the subject of the company's proposal to build a jetty at Tangier at which to land the heavy material and rolling stock required for the northern section of the line.

2. I would draw your Lordship's attention to M. Méchin's statement that the proposal which he is going to submit to the board of the company at Madrid is for a jetty costing only 500,000 fr., situated at some distance from the site of the future port works, and forming no part of the port scheme to which objection has been raised by His Majesty's Government.

3. If M. Méchin's proposal is approved by the board of the company, and proves to be of the nature described by him to Mr. Codrington, there would appear to me to be no need for His Majesty's Government to place any obstacles in the way of its construction. Such a work is expressly provided for in article 18 of the "cahier des charges" attached to the Tangier–Fez Railway Convention of 1916, the third paragraph of which reads as follows:—

> "La compagnie pourra, en attendant la construction du port de Tanger, établir sur le rivage de la mer, à Tanger, un ouvrage provisoire affecté au débarquement des matériaux venant par mer et devant servir à la construction et à l'exploitation du chemin de fer."

4. I have little doubt that other and more ambitious schemes were considered. Indeed, only a few days ago my Spanish colleague informed me that he understood that the railway company were going to spend 1,500,000 fr. on a jetty that could subsequently be sold to the port company. If, as a result of the action of His Majesty's Government, such proposals have been set aside, there seems to be every reason for putting no obstacles in the way of the railway company in their desire to hasten the completion of the line, which is essential to the future prosperity of Tangier.

I have, &c.
ARNOLD ROBERTSON.

Enclosure in No. 50.

Memorandum on the Proposal to Build a Jetty at Tangier.

IN the course of a conversation I had with him to-day, M. Méchin, the engineer of the Tangier–Fez Railway Company, alluded to the "appontement," or jetty, which his company wished to build at Tangier in order to facilitate the landing of the heavy material, rolling-stock, &c., required for the construction of the northern section of the line.

M. Méchin pointed out that the earthworks, bridges, &c., of the section between Tangier and Arzila would be finished by the end of the year, and it would then be necessary to start landing the rails and rolling-stock at Tangier. It was essential to get this section laid as soon as possible in order that it might be used for conveying material down to the rather difficult section between Arzila and Arbaoua.

On investigation the company had found that it would cost more to lay a set of rails down to the existing jetty, which is situated at some distance from the site of the terminus of the railway, than it would to build a small jetty specially for the purpose, owing to the expense entailed in widening streets, &c.

Various schemes for a special jetty had been considered, and a final decision would be taken at a meeting of the board of the company which was to be held in the course of a few days at Madrid. At this meeting M. Méchin is going to submit plans for a small jetty built of reinforced concrete, at an estimated cost of 500,000 fr., to be built a short distance from the site of the future terminus of the railway.

M. Méchin pointed out that article 18 of the "cahier des charges" annexed to the convention of 1916 expressly authorised the company to undertake the construction of an "ouvrage provisoire affecté au débarquement des matériaux . . . . devant servir à la construction du chemin de fer." The proposed jetty would be some way away from the site of the future port works, and would be quite distinct from them. I gathered the impression that any more ambitious scheme that may have been contemplated had been set aside in order to avoid any possibility of the work of the company being delayed through political disputes on the subject of the port.

The general impression made upon me by M. Méchin, who served as a liaison officer with the British army during the war, and is distinctly Anglophil, was that he is anxious that so far as possible his company should keep quite clear of any political complications such as would result were it to lend itself to furthering French ambitions in connection with the port; his sole desire seems to be to get the railway built, and working as a business concern, as soon as possible.

W. M. CODRINGTON.

May 2, 1922.

[W 4138/72/28] No. 51.

Mr. Robertson to Mr. Villiers.—(*Received May* 17.)

My dear Villiers,
Tangier, May 10, 1922.

I YESTERDAY had a long conversation about the port with M. Édouard Quelienec and M. Gaston de Caqueray, who came to Tangier with M. Le Bon, president of the company, a few days ago. The conversation was wholly unofficial, and I made it quite clear at the outset that I had no authority at all to commit His Majesty's Government. It is for this reason that I did not report officially. On the other hand, nothing that they said can be used in evidence against them. I had Codrington present at the interview so as to have a witness of what passed, and also because his knowledge of the question is very useful.

The impression that I have gathered, and it is a strong one, is that, as far as the company is concerned, they are only too ready to meet our views and objections. Their main interest is that the port should be built. They would agree to the redistribution of the share capital, which only amounts to 7,500,000 fr., say, 150,000*l*. M. de Caqueray said that he had worked out a redistribution which would give the French 37·5 per cent. and the British 25 per cent. As regards repurchase, we are fighting the battle of the company. They do not in the least relish the idea of fifteen years, and would gladly have twenty-five or even thirty substituted. So far as they are concerned, they have no objection to repurchase by the municipality instead of by the Makhzen. They also gladly agree to "adjudication" under the Act of Algeciras, and would give generous delays to admit of tenders being submitted from Great Britain and elsewhere.

The main trouble is the question of control. It was with the greatest possible difficulty that the company finally induced the Protectorate Government to guarantee the 35,000,000 fr. bond issue. Without some form of Government guarantee, dear to the hearts of French investors, the latter would not take up the bonds. These 6 per cent. bonds will be used to pay 6½ per cent. interest on the share capital while the port is building, and also for a variety of working expenses. As the Protectorate Government are guaranteeing the bonds, it is only fair that they should have some form of control, and they will have people here to look after their interests. This may probably prove inconvenient, but I do not see how we can object as we refuse to guarantee anything.

On the other hand, the company are quite ready that Tangier should have some say so as to prevent discrimination and so that its interests may be safeguarded generally. They rather object to the municipality, as such, by which they mean a municipal council, having this say, as they fear, and with considerable justice, that they should have to bribe its members in order to prevent mere obstruction. I suggested that, if the future statute provided for a committee of control, this would be the proper body for the purpose in view. They did not dissent, but seemed to think that the

committee would probably not consist of experts, and would not therefore be really competent. They would prefer a committee consisting of selected members of the various Chambers of Commerce as, so I understand, now existed in the case of the Suez Canal and worked very satisfactorily.

I told the two gentlemen that His Majesty's Government had been very much put out by the action of Rabat in calmly annexing the German and Austrian shares and then issuing a dahir granting a concession without any warning to, or consultation with, the Powers interested This point, however, we did not further discuss as it is a question for the Governments to settle and is outside the competence of the company.

Since you went away I have thought a great deal about the port, and discussed it, almost *ad nauseam*, with a variety of people, some of whom have just returned from England and have talked of it there.

The more I think of it, the more I am convinced that the port is a British interest which we should help along as much as possible. Firstly, it is essential to our municipality if the latter is to pay its way. Secondly, it will be chiefly British steamship lines, notably the P. and O., and British commerce which will benefit, especially when the Tangier–Fez Railway is completed.

To take the shipping lines first. At present, traffic with Tangier is most precarious. If an east wind blows, neither passengers nor cargo can be landed or embarked, and this occurs frequently. Consequently, it is hardly worth the while for big liners to call. Port works will ensure quiet water, and passenger traffic as well as traffic in perishable goods, both of which interest the P. and O. and the Orient line, are bound to increase. If and when the statute is settled, and the Tangier–Fez Railway built, I am convinced that trippers will come pouring out to this lovely climate, that good hotels, a golf course, polo and other amusements will multiply, besides the attraction of easy communication with Meknes, Fez and other places. It will be in this traffic that our shipping lines will be mainly interested. Instead of being three-quarters empty between London and Marseilles, the P. and O. ships should carry a lot of passengers who want a few weeks' holiday in a new place. Further, if an honest customs régime is set up at Tangier, the Fez merchants will import their goods viâ Tangier rather than through the French ports. Many of them told me this.

I have heard the objection raised that the port, as now contemplated, will not be sufficiently important, and that ships will not be able to come alongside. The answer to this is that our big liners will not want to come alongside. They will only want to stay for an hour or two, drop their passengers and light cargo in calm water, and make a quick getaway. It is highly doubtful if a big port would pay, as heavy goods traffic, essential to a big port, is hardly likely to pass this way, as Tangier has no hinterland, no exports will come through it, and ships will have to go away in ballast. Lastly, the scheme now in contemplation allows for development in case of this being required.

Now as to the British share in the company's capital of 150,000*l*. Harris always tells us that he went all round London and was unable to raise even the 20 per cent. share. From information which I have gathered from other sources, the following is alleged to be the explanation: Those who did not know Harris personally knew that he was the "Times" correspondent, and the "Times" is anathema in the City nowadays as it is so rabidly anti-Government and blindly pro-French. Those who did not know Harris knew that he was in the pockets of the French, and were chary of putting their money in what they thought would be a French concern. Lastly, the sum involved, about 30,000*l*., was so small that British financiers, who will not look at anything under seven figures, were not really interested. Now my idea is that we should increase the British share to 30 per cent, or 45,000*l*., still a very small figure. If the respective shares could be 40 per cent. French, 30 per cent. British and 30 per cent. Spanish, eliminating everyone else, so much the better, but I fear that you would have difficulties with the Italians, Dutch and Belgians, who wish to increase their share, if anything. Moreover, the French would oppose an increased Spanish share, and I learned from M. de Caqueray that the major part of the Spanish 20 per cent. share is already held by Frenchmen.

45,000*l*. is a very small sum to raise if only we can interest the shipping people, especially Lord Inchcape. We can leave the financiers alone. I feel sure that it would be worth the while of the P. and O. to put up all the money, if only for the benefit that they would have from the building of the port, which should develop into a good port of transit in both directions. Moreover, I understand that Lord Inchcape likes pioneer work. He might make a good thing out of Tangier if he built an hotel here, opened a golf course, &c., though much will of course depend on the settlement of the statute.

Consider all the above at your leisure, and sound Lord Inchcape if you see fit. I have urged MM. Caqueray and Quellenec to negotiate the whole question in London, but I do not know if they will do so.

Yours ever,
ARNOLD ROBERTSON.

P.S.—I suppose that Lord Inchcape would not take up the 35,000,000 fr. worth of bonds? The French would yell with hate, but the Protectorate Government would be relieved of its unwilling guarantee.

A. R

[**W 4788/72/28**] No. 52.

Mr. Robertson to the Earl of Balfour.—(*Received June* 8.)

(No. 23.)
(Telegraphic.) *Tangier, June* 8, 1922.

MY despatch No. 209.

Sultan's representative yesterday suddenly summoned for this morning meeting of Committee of Adjudications to fix date of adjudication of tenders for port works. Committee consists of Sultan's representative as president; a Moor, representing Spanish zone; secretaries of Italian and American agencies, who are this year representatives of Diplomatic Body; and a representative of concessionary company.

Secrecy with which this attempted *coup* was prepared, and shortness of notice at which meeting was summoned, I consider as an unfriendly act. Idea evidently was to rush adjudication through in hope that no opposition would be offered by Italian and American secretaries, latter of whom only arrived a few weeks ago. Neither British nor Spanish firms would have tendered, owing to opposition of their Governments to concession, and field would have been left free to French.

Meeting took place this morning, and American secretary immediately protested against hastiness with which it had been summoned. He added that, as his Government had protested against concession, he could not discuss details before question of principle was settled.

M. Malégarie, who is present at meetings as technical adviser, seems to have carried discussion from French point of view. This is quite improper, as he only has consultative voice on technical points, and has no vote. However, he pointed out that diplomatic representatives represent Diplomatic Body, and not respective countries. Force of this contention is not clear to me, as Diplomatic Body are notoriously divided. It was finally decided that question should be referred to Diplomatic Body for decision to be given within two weeks. Italian secretary supported American.

Secretary of committee is French, and apparently also took part in discussion. Representative of State Bank, who only has a consultative voice, is also French.

I request your authorisation to protest against adjudication being held pending settlement of main issue, and to demand that representatives of Diplomatic Body be instructed not to attend subsequent meetings of committee, which cannot sit without them.

Matter is urgent.

[**W 4834/72/28**] No. 53.

Mr. Robertson to the Earl of Balfour.—(*Received June* 12.)

(No. 25.)
(Telegraphic.) *Tangier, June* 12, 1922.

MY telegram No. 23.

Sultan's representative has now placarded the town with public notice fixing 9th November next as the date of adjudication of port works. He signs notice as president of Adjudication Commission, in spite of the fact that at the meeting of that commission it was agreed to adjourn for two weeks so that diplomatic members might consult Diplomatic Corps.

This high-handed proceeding is grave insult to Diplomatic Body, and also to Powers who have protested against concession. It seems to me that we should make strongest possible protest, and demand the withdrawal of notice. Diplomatic Body meets this afternoon to consider the situation, but French Minister will presumably not attend. I consider most serious situation has arisen, and should be grateful for your views and instructions.

[**W 4842/72/28**] No. 54.

Mr. Robertson to the Earl of Balfour.—(*Received June* 13.)

(No. 26.)
(Telegraphic.) *En clair.* *Tangier, June* 12, 1922.

DIPLOMATIC Corps met to-day without French agent. Report of diplomatic delegates on Adjudications Commission showed that no decision was taken in regard to adjudication, on the contrary it was decided to meet again on 22nd June so that diplomatic delegates could express the views of the foreign representatives. In spite of this, Sultan's representative published notice in the name of the commission. In these circumstances Diplomatic Corps decided to send note to Sultan's representative protesting formally against publication of the notice, validity of which they did not recognise. They would inform their Governments of the above. Note also suggests that it would be opportune to withdraw notice, in view of the unfortunate consequences which it might have for private interests.

[**W 4842/72/28**] No. 55.

The Earl of Balfour to Mr. Robertson (*Tangier*).

(No. 17.)
(Tlegraphic.) *Foreign Office, June* 14, 1922.

YOUR telegram No. 26 of 12th June: Tangier harbour concession.

I entirely approve your proceedings, and authorise you to take action suggested.

I am addressing a strong protest to French Government, and demanding withdrawal of the notice.

[**W 4927/197/28**] No. 56.

The Earl of Balfour to Sir E. Howard (*Madrid*)

(No. 281.)
Sir, *Foreign Office, June* 14, 1922.

THE Spanish Ambassador called upon me this afternoon and at once broached the question of recent French proceedings at Tangier in connection with the new harbour works. This episode is only the last of a long series of transactions by which the French, in defiance of their treaty engagements with Spain and with Great Britain, are endeavouring to make themselves complete masters of Tangier, which by right should be under international control. The French, who have the protectorate over Morocco, are remorselessly using the powers which this confers upon them to whittle away the rights of other Powers and to place themselves in entire control of all the territories on the African coast adjacent to the Straits of Gibraltar. The Governments both of Spain and of Great Britain meet each successive invasion of their rights with a protest; every protest produces diplomatic rejoinders; no redress has ever been obtained for what has passed; and no effective guarantees have been given as regards the future.

2. The condition of things, which I have above summarised, his Excellency described as intolerable. Over and over again he observed that it could not be allowed to continue, but when I asked him how he proposed to stop it he had no very satisfactory expedient to suggest. Local reprisals he considered out of the question. They would, he observed, produce dangerous controversies between countries that ought to be close friends. The suggestion of his Government was that Spain, France and Great Britain, the three countries chiefly interested, should meet in conference and see if by friendly conversations some solution might be found for the existing difficulties.

3. I asked him whether he was instructed by his Government to lay this proposal formally before me. He answered in the affirmative. I then observed that, if I was

rightly informed, the idea was not a new one. He agreed, adding that the French never refused to accept it, but had always coupled their acceptance with a statement that before entering such a conference it must be clearly understood that they did not surrender any of the pretensions on which their recent policy in Morocco was based.

4. I asked whether, in these circumstances, there was anything to be gained by a conference which must apparently end in leaving matters no better than they were at present and, if no better, then probably worse. I asked him whether he did not think that the very fact of Spain and Great Britain consenting to a conference which must obviously either separate without coming to any decision or, if they were prepared to agree, could only agree on terms which implied a surrender on the part of Spain and Great Britain, might not do more harm than good.

5. To these observations he replied that when people meet round a table the most hopeless differences were sometimes smoothed away.

6. I did not express myself as very hopeful of this happy result, but promised to consider the matter.

I am, &c.
BALFOUR.

[**W 4984/72/28**] No. 57.

Mr. Robertson to the Earl of Balfour.—(*Received June* 16.)

(No. 209. Confidential.)
My Lord, *Tangier, May* 30, 1922.

WITH reference to my despatch No. 181 of the 5th ultimo, I have the honour to report that M. Quellenec, the engineer of the Tangier Port Company, has returned to Tangier from the French protectorate, where he doubtless had opportunities of discussing the building of the port with Marshal Lyautey and the officials of the Protectorate Government.

2. I understand from Mr. Harris that M. Quellenec is full of hope that a way may be found out of the present *impasse*, and he has telegraphed to this effect to M. André Lebon, the president of the company. I have the honour to transmit to your Lordship a copy of the telegram which he sent, which has been communicated to me in confidence by Mr. Harris. The latter has at the same time sent a telegram, a copy of which is also enclosed, to Mr. Alwyn Parker, his English colleague on the board of the company.

3. In spite of Mr. Harris's optimism, I cannot help feeling that the Quai d'Orsay will find it hard to make concessions of sufficient importance to satisfy His Majesty's Government—for instance, the submission of the concession to the approval of even a limited number of the representatives of the Powers—without serious loss of face and the possibility of prejudicing the extreme attitude which they have adopted in regard to the right of the Sultan to administer the Tangier zone.

4. M. Lebon, the president of the company, is also president of the Crédit foncier, and, I am told, wields considerable financial and political influence in Paris; but I am unable to judge whether any pressure that he could exert on the Quai d'Orsay is likely to be effective.

5. Mr. Harris makes no mention in his telegram of any question of a redistribution of the shares of the company, and I understand that he regards this as a political question, with which the company has no concern.

I have, &c.
ARNOLD ROBERTSON.

Enclosure 1 in No. 57.

Telegram from M. Quellenec (*Engineer of the Tangier Port Company*) *to M. André Lebon* (*President of the Tangier Port Company*).

May 29, 1922.

HARRIS considers it most inadvisable that adjudication of Tangier port be announced while question of control and repurchase still open.

Harris strongly advises Quai d'Orsay to inform London that French Government accepts principle of adjudication according to terms of Act of Algeciras, and at same time he advises that Quai d'Orsay should express to Foreign Office the French

Government's desire to arrive at solution of further questions of "contrôle" and repurchase. If difficulty should arise for this direct negotiation, Harris proposes preliminaries might be left to Parker. Harris has reason to believe Foreign Office is prepared to discuss question, and that present moment is propitious on both sides. Harris has telegraphed Parker to this effect.

Enclosure 2 in No. 57.

Telegram from Mr. Harris (Tangier) to Mr. A. Parker (Thursley, Godalming).

May 29, 1922.

REFERENCE to Villiers's letter of 29th March, I am authorised to state that French authorities accept adjudication of construction of Tangier port according to terms of Algeciras Act. Have reason to believe moment is propitious to open with Quai d'Orsay question of control and repurchase. Paris is well disposed to arrive at solution. Have proposed to Paris that Quai d'Orsay communicate direct with Foreign Office, but should there be difficulty in doing so preliminary communication could be made to London through you. Please inform Villiers.

[**W 4834/72/28**] No. 58.

The Earl of Balfour to Lord Hardinge (Paris).

(No. 1842.)

Foreign Office, June 16, 1922.

My Lord,

WITH reference to previous correspondence, I transmit herewith three telegrams from His Majesty's agent and consul-general at Tangier relative to the proposed harbour works at Tangier.*

2. Your Lordship will easily understand the feelings with which I regard this fresh attempt to force the hand of His Majesty's Government in the matter. A memorandum has been drawn up in the Foreign Office, a copy of which is enclosed herein, and when communicating it to the French Government your Lordship might, if the opportunity occurs, emphasise verbally the strong opinion which the British Government hold on the subject.

I am, &c.
BALFOUR.

Enclosure in No. 58.

Memorandum.

EVER since June 1921, when the news first reached London that a concession for the construction of harbour works at Tangier had been granted to the Société internationale pour le Développement de Tanger by the Sultan of Morocco at the instance of the authorities of the French Protectorate, His Majesty's Government have made it abundantly clear, both in notes to the French Government and verbally to the French Ambassador in London, that they were not prepared to recognise the concession without further negotiation and discussion. The grounds on which the objections of His Majesty's Government are based have been explained in detail to the French Government, and, far from withdrawing their protests against the concession, His Majesty's Government have repeatedly renewed them in connection with the proposal to build a jetty in the Bay of Tangier.

2. The French note of the 15th September, 1921, revealed so great a difference between the two Governments in regard to the principle involved by the concession that His Majesty's Government decided not to reply thereto in detail, but to await the proposals of the French Government on the larger question of the status of Tangier. They hoped that it would be possible to deal with the harbour works as part and parcel of a settlement of the status of Tangier, and they contented themselves accordingly with intimating to the French Government that they considered the proposals in the French note of the 15th September entirely unsatisfactory. The hopes of His Majesty's Government have not been realised; but they confidently expected that in view of the

* Not printed.

maintenance of their protests no further action would be taken for the present in the matter of the concession.

3. In these circumstances, it was with the utmost astonishment that His Majesty's Government learnt last week from His Majesty's agent and consul-general at Tangier that the Sultan's representative at Tangier had summoned a meeting of the Adjudications Committee at twenty-four hours' notice to fix a date for the adjudication of tenders for the harbour works.

The haste and secrecy with which the meeting was summoned could not fail to give the impression of a deliberate attempt to rush the matter through and to face the Powers with a *fait accompli*. It was no doubt hoped that no opposition would be offered by the secretaries of the Italian and American agencies who are this year the representatives of the Diplomatic Body on the Adjudication Committee. As a matter of fact the strongest opposition was manifested by the two diplomatic representatives, and notwithstanding the active intervention of M. Malégarie, who as technical adviser is only entitled to speak on strictly technical points, it was decided finally that the whole question should be referred to the Diplomatic Body for an early decision.

4. The Sultan's Naib must, of course, have acted on instructions from the French authorities at Rabat, and it was evident therefore that the protests of His Majesty's Government in Paris were to be disregarded. Even so, however, His Majesty's Government were scarcely prepared to hear that three days later the Naib, in defiance of the decision of the Adjudication Committee, had placarded Tangier with a public notice fixing the 9th November as the date for the adjudication.

5. So serious an affront to the Powers cannot be passed over in silence. His Majesty's Government are loth to believe that the French Government countenance, or were even previously aware of the intention of taking these high-handed proceedings. They earnestly hope that the French Government will issue immediate instructions by telegraph to the French Resident-General in Morocco that the offending notices must be removed at once and all idea of calling for tenders for the construction of harbour works definitely abandoned until agreement has been reached between the Powers concerned on the whole question.

Foreign Office, June 16, 1922.

[**W 5043/72/28**] No. 59.

Lord Hardinge to the Earl of Balfour.—(*Received June* 19.)

(No. 1436.)

Paris, June 17, 1922.

My Lord,

I RECEIVED this morning your Lordship's despatch No. 1842 of the 16th June, and in the absence of M. Poincaré I called upon the Secretary-General at the Ministry for Foreign Affairs and handed him the memorandum contained in your despatch relating to the proposed harbour works at Tangier. In communicating the memorandum to M. Peretti, I expressed to him the feeling of astonishment with which His Majesty's Government regard this fresh attempt to force their hand and the very strong opinion which they hold on the subject.

M. Peretti confirmed the fact that the Spanish Ambassador had made similar representations to M. Poincaré yesterday on this subject, but he maintained that our objections were not really logical in view of the fact that the French Government are ready to meet any objection which we like to put forward as regards the terms of concession, and when the new statute for Tangier has been arranged anything in the concession that is not in conformity with that statute will be modified to meet such an objection. He maintained the inalienable right of the Naib to grant concessions in Tangier, and he quoted the fishing concession, which had been granted to the Spaniards, as well as other concessions, in support of his argument.

I pointed out to M. Peretti that the objections held by His Majesty's Government to the concession have already been explained in detail in previous notes, but that on this occasion the protest that I was making was against the action of the Naib in endeavouring to create a *fait accompli* by summoning a meeting of the Adjudication Committee at twenty-four hours' notice to fix a date for the adjudication of tenders for the works.

M. Peretti argued that there was nothing in such action on the part of the Naib to which serious objection could be taken, and finally stated that the French Government are awaiting, with patience and with hope, an early convocation of a conference in

London as had been agreed upon, in order to discuss the whole question of the statute of Tangier and other questions connected with Tangier which are accessory to it.

In my opinion protests to the French Government on all subjects connected with Tangier are waste of time and energy, for they bear no fruit, while the rights of Great Britain and Spain at Tangier are being gradually whittled away under cover of the French protectorate, and it seems to me that this unsatisfactory state of affairs can only be terminated by the meeting of a conference and by having the question thoroughly threshed out round a table. Such a conference may prove to be barren of results such as we desire, but it would at least clear the air and show us and the French exactly where we stand.

I have, &c.
HARDINGE OF PENSHURST.

[**W 5100/72/28**] No. 60.

Mr. Robertson to the Earl of Balfour.—(*Received June* 20.)

(No. 238.)
Tangier, June 13, 1922.

My Lord,

WITH reference to my telegrams Nos. 23 and 25 of the 8th and the 12th instant respectively, I have the honour to report that a serious situation has suddenly arisen in regard to the question of the construction of the port of Tangier. The circumstances are as follows :—

On the 7th instant Sid Mehemmed Tazi, the Sultan's representative, acting, I understand, on instructions from Rabat, suddenly summoned for the following morning a meeting of the Commission des Adjudications et des Marchés, of which he happens also to be the president. The meeting was to receive a communication from the technical adviser of the Makhzen in regard to—

1. The technical plan of the construction of the port of Tangier.
2. The date of adjudication of the works.

The commission in question was set up under the Act of Algeciras by special agreement with the Makhzen, signed at Tangier on the 11th June, 1908. It consists of two Shereefian representatives, two representatives of the Diplomatic Corps, and one representative of the concessionary company. It elects its own technical adviser, who has a consultative voice but no vote ; and a representative of the State Bank also attends meetings in a consultative capacity, but with no vote. The secretary is a Frenchman, M. Cohen. The technical adviser is M. Malégarie, who is also technical adviser of the Makhzen and chief engineer of the Public Works.

The meeting appears to have been opened with a statement by M. Malégarie to the effect that the Sultan had fixed the 9th November next as the date for adjudicating on tenders for the construction of the port. The full significance of this statement appears to have escaped the two diplomatic representatives, who were the American secretary, Mr. Mayer, and the Italian secretary, M. Berrino. The former only arrived in Tangier about a month ago and has an imperfect command of French. The latter is not very well-informed. M. Malégarie, who was, of course, acting under instructions from Rabat, but had no right to speak at all except on purely technical points when his opinion was asked, was no doubt fully aware of this. He was, however, considerably surprised and chagrined when Mr. Mayer commented strongly on the unseemly haste with which the meeting had been summoned, and stated that, as his Government had protested against the concession as it now stood, he was unable to take part in any discussion for the purpose of fixing the date of adjudication without reference to the State Department. M. Malégarie seems to have pointed out that he was a representative of the Diplomatic Corps, and could not voice objections of a particular Government. This is technically correct, and a long discussion seems to have ensued, the protagonists on one side being the American and Italian secretaries, who insisted that they must consult the Diplomatic Corps, and, on the other, MM. Malégarie and Cohen, neither of whom had any right to speak at all on the point at issue. Finally, it was unanimously agreed by the commission that they should meet again on the 22nd June, when the diplomatic representatives would make their observations after consultation with the Diplomatic Corps. No other decision was taken, and no resolution was submitted to the meeting.

In these circumstances your Lordship can imagine the consternation with which each diplomatic agent yesterday morning received a communication from the Sultan's representative, enclosing a printed placard dated the 9th June, *i.e.*, the very day after

the meeting, fixing the 9th November next as the date of adjudication. The placard was, I believe, affixed outside Sid Mehemmed Tazi's office on Sunday, the 11th June. It is signed by him in his capacity as president of the Commission of Adjudications, which is in itself wholly irregular in view of the fact that the commission never gave him the required authorisation.

I desire to point out, in passing, that, even as regards the notice, there is a very serious irregularity. It is always the custom, when tenders are to be called for, for fifteen copies of the *cahier des charges* to be sent to each diplomatic agent, so that he may send them home for the information of those concerned. On this occasion no copies of the *cahier des charges* were enclosed. Would-be competitors are merely informed that they can consult the necessary documents at one of three places in Tangier, or in Paris. This will, of course, put foreign competitors, and notably those from the United States, almost entirely out of the running, as they will have to send their experts either to Tangier or to Paris.

The situation created by this action of Sid Mehemmed Tazi was considered so serious that the Diplomatic Corps met the same afternoon, viz., the 12th June, under the presidency of the Spanish agent. The French agent, who has officially informed us that he does not recognise the Spanish agent as doyen, was not invited to the meeting, and did not attend.

After a lengthy discussion, during which all present were agreed that the president of the Commission of Adjudications had exceeded his powers and had also acted with very gross discourtesy towards the Diplomatic Corps, it was decided to address to him a note, of which a copy is enclosed. This note expresses astonishment at the notice, protests formally against its publication, and states definitely that the Diplomatic Corps do not recognise its validity. It concludes by saying that each diplomatic agent has informed his Government to this effect, and suggests that the notice should be withdrawn, having regard to the unfortunate consequences which it may have for private interests.

I venture to suggest that, in the interests of British firms, wide publicity be given to this decision of the Diplomatic Corps, which I am bringing to the knowledge of the local Chamber of Commerce.

What the precise object of the French authorities may be in preparing this *coup* in secret, and thus suddenly defying not only the Diplomatic Corps, but Governments with whom they pretend to be in friendly relations, I can only guess. It is partly an attempt to curry favour with local interests and to throw on the British and Spanish Governments the odium of obstructing the construction of a much-needed port. It is also, no doubt, deliberately intended to assert the authority of the Sultan and to flout the Diplomatic Corps, and to show the world that, when it comes to a conflict of views, the French are sole masters in Tangier. Our note is signed by the Spanish agent as doyen, and it is possible that Sid Mehemmed Tazi may decline to receive it, on the ground that the Makhzen do not recognise him as doyen and also because the French agent was not present at the meeting at which it was drafted. The answer to the first point would be that we had never been informed that the Makhzen do not recognise M. Serrat as diplomatic agent, and that it is, therefore, a very grave discourtesy not to receive our note. The answer to the second point would be that we cannot admit that the Diplomatic Corps is permanently condemned to inaction in its corporate capacity just because one of its members declines to attend its meetings for reasons of his own. Our note expressly states that the French agent was not associated with the note, which expresses the views of the whole of the rest of the Diplomatic Corps. I have every reason to believe that one of the main reasons for the instructions given to my French colleague not to recognise M. Serrat as doyen was to make it impossible for the Diplomatic Corps to act in a corporate capacity.

I cannot but view the future with very considerable misgiving. In view of what has already occurred, it is not at all improbable that work may be begun on the port in the autumn, in spite of our protests, on the ground that the Sultan is sovereign at Tangier and that a concession has been duly granted by him.

A further possibility is that the Makhzen may at any moment hand over to the company the existing port services for "provisional exploitation" under article 5 of the concession. The company would then attempt to carry out these services in accordance with the provisions of the *cahier des charges*, levying dues on the scales laid down therein. The services in question would probably be sublet to private individuals under contracts arranged privately with the company. It would be in keeping with the action of the Makhzen in the past for this transfer of responsibility to be announced suddenly as a *fait accompli*. In that event there would be risk of a serious incident, and it is not impossible that the Spanish Government might make a naval demonstration at the instigation of my Spanish colleague.

It would be well that His Majesty's Government should seriously consider this eventuality and consult with other Governments with a view to united action. I have no doubt that they will receive the support of the Spanish, United States, Italian, Portuguese and Dutch Governments, and possibly also that of the Belgian Government as well.

I have, &c.
ARNOLD ROBERTSON.

Enclosure in No. 60.

Spanish Agent to Sultan's Representative.

J'AI l'honneur de vous informer que le Corps diplomatique, à l'exception de M. l'Agent diplomatique de France, réuni le 12 juin sous ma présidence, a entendu ses délégués à la Commission générale des Adjudications et des Marchés. Du rapport présenté par eux résulte qu'à la réunion de ladite commission en date du 8 juin, aucune résolution n'a été prise en ce qui concerne l'adjudication des travaux d'infrastructure pour la construction du port de Tanger. Au contraire, la commission a décidé de tenir une nouvelle séance le 22 juin prochain, au cours de laquelle MM. les délégués du Corps diplomatique feraient leurs observations éventuelles.

Dans ces conditions, mes collègues m'ont chargé de vous exprimer l'étonnement qu'ils ont éprouvé à recevoir un avis, publié au nom de la commission, et fixant au 9 novembre prochain l'adjudication des travaux dont il s'agit.

Abstraction faite de toutes les questions de principe touchant l'octroi de la concession, et sans retenir le manque d'égards vis-à-vis du Corps diplomatique que le procédé pourrait signifier, mes collègues m'ont prié de protester formellement contre la publication de l'avis susmentionné, dont ils ne reconnaissent pas la validité.

Ils ont informé leurs Gouvernements respectifs dans ce sens, et ils suggèrent à votre Excellence qu'il serait opportun d'effectuer le retrait de cet avis d'adjudication, eu égard aux fâcheuses conséquences qu'il serait susceptible d'entraîner pour les intérêts des particuliers.

Tanger, le 13 *juin* 1922.

(d.) Expropriation of Land for the Tangier–Fez Railway.

[**W 1823/1823/28**] No. 61.

Mr. Robertson to the Marquess Curzon of Kedleston.—(*Received February* 27.)

(No. 53.)
My Lord, *Tangier, February* 9, 1922.

I HAVE the honour to report that I have received from the Sultan's representative a copy of a decree, issued without previous consultation of the Diplomatic Corps, constituting the section of the Tangier–Fez Railway within the international zone a "work of public importance" and giving notice of expropriation to the owners of the land over which the line will be built.

I am endeavouring to ascertain whether any of the land concerned is owned by British subjects, and will report further to your Lordship on this point. I desire, however, to lose no time in drawing the attention of your Lordship to this fresh act of encroachment on the part of the French authorities. As I had the honour to point out in my despatch No. 14 of the 13th ultimo, it is evidently the considered policy of the French Government to ignore completely the Diplomatic Body at Tangier and to strengthen by every means in their power the control which they exercise in practice in the Tangier zone. Signs are not lacking that in any discussion that may take place the French Government will urge that they have in practice administered the Tangier zone without any serious protest on the part of His Majesty's Government, and that any modification of the authority which they wield would constitute a blow to their prestige to which they, as a great colonial Power and the virtual rulers of the greater part of Morocco, could never submit. This fresh manifestation of the French policy on the eve of the negotiations must therefore be regarded as of more than ordinary importance, and it is for His Majesty's Government to decide what measures are necessary to prevent

the French Government from manœuvring themselves into such a position that, at a future conference, they can represent the control by themselves of the Tangier zone as a *fait accompli*.

I would venture to suggest that the moment has come for His Majesty's Government to make a firm protest and to request that this newly-adopted practice on the part of the French Protectorate Government of treating the Tangier zone as part of the protectorate shall cease.

A copy of a translation of the dahir is transmitted herewith.*

I have, &c.
ARNOLD ROBERTSON.

[**W 1823/1823/28**] No. 62.

The Marquess Curzon of Kedleston to Lord Hardinge (*Paris*).

(No. 627.)
My Lord, *Foreign Office, March* 3, 1922.

I TRANSMIT herewith a copy† of a despatch from His Majesty's agent and consul-general at Tangier reporting the issue by the Moorish Government of a decree constituting the section of the Tangier–Fez Railway within the Tangier zone "a work of public importance" and giving notice of expropriation to the owners of land through which the line will be built. This decree has been issued without previous consultation of the Diplomatic Body at Tangier.

2. It is, as Mr. Robertson observes, unfortunately only too true that the French Government are adopting a definite policy of ignoring completely the Diplomatic Body at Tangier and strengthening by every means in their power the control which they now exercise in the Tangier zone. They are evidently resolved while the status of Tangier is undetermined to regard it as part and parcel of the French zone. His Majesty's Government cannot pass over the issue of this decree in silence, but must place formally on record their refusal to recognise the right of the French authorities to continue to disregard the assurances they have given in the past.

3. I request that your Lordship will address to the French Government a strong protest against the issue of the decree without the previous assent and approval of the Diplomatic Body at Tangier and that you will state that they do not consider its terms applicable to British subjects. His Majesty's Government deeply resent the continued attempts of the French Government to treat Tangier as part of the French zone, notwithstanding their repeated assurances that satisfactory arrangements would be made as regards Tangier in the sense desired by His Majesty's Government; and the issue of this decree at a moment when the conference to decide the future régime to be instituted in the international zone of Tangier is about to meet has created a most painful impression.

I am, &c.
CURZON OF KEDLESTON.

[**W 2316/1823/28**] No. 63.

Mr. Robertson to the Marquess Curzon of Kedleston.—(*Received March* 15.)

(No. 86.)
My Lord, *Tangier, March* 6, 1922.

IN my despatch No. 53 of the 9th February I transmitted a copy of a dahir recently issued declaring certain land in the Tangier zone required for the Tangier–Fez railway to be of "public utility," and I stated that enquiries were being made whether any of the ground in question was owned by British subjects.

2. I now have the honour to report that two plots within the area delimited in the dahir are owned by British subjects. One of them—Mr. Triay of Gibraltar—has, however, recently accepted what is locally regarded as a generous offer from the Tangier–Fez Company to acquire his land at the price of 30 pesetas per square metre. The other—Mr. Lazaro Baglietto—owns a plot of some 10,000 metres just south of Mr. Triay's property. I am unaware whether any offer has been made to him by the company.

I have, &c.
ARNOLD ROBERTSON.

---

* Not printed.

† See No. 61.

[W 2303/1823/28] No. 64.

Lord Hardinge to the Marquess Curzon of Kedleston.—(*Received March* 15.)

(No. 637.)

My Lord, *Paris, March* 13, 1922.

I HAVE the honour to transmit to your Lordship herewith copy of the reply of the French Government to the note which I addressed to M. Poincaré on receipt of your Lordship's despatch No. 627 of the 3rd instant, regarding the issue by the Moorish Government of a decree constituting the section of the Tangier–Fez Railway within the Tangier zone "a work of public importance."

Your Lordship will observe that the action of the Moorish Government is justified by the French Ministry for Foreign Affairs, as in the note which formed the enclosure to my despatch No. 595 on the Tangier port concession, by the contention that, pending the conclusion of definite arrangements governing the Tangier zone, the Sultan continues to exercise therein the authority which His Majesty possessed before the French protectorate over Morocco was proclaimed. The French note goes on to explain that, in view of the existence of the Capitulations at Tangier, no property belonging to a British subject can be expropriated under the terms of the dahir in question until the sanction of His Majesty's diplomatic representative at Tangier has been obtained.

I have, &c.
(For the Ambassador)
MILNE CHEETHAM.

Enclosure in No. 64.

M. Poincaré to Lord Hardinge.

Ministère des Affaires étrangères, Paris, le 10 *mars* 1922.

M. l'Ambassadeur,

PAR sa lettre du 4 de ce mois, votre Excellence a bien voulu me faire part de la protestation du Principal Secrétaire d'État des Affaires étrangères de Sa Majesté britannique contre un dahir du 5 décembre dernier, relatif à la construction du chemin de fer de Tanger à Fez dans la zone de Tanger et aux conditions d'expropriation des terrains sur lesquels doit passer la voie ferrée. Ce décret a été pris sans consultation préalable du Corps diplomatique. Le Gouvernement de Sa Majesté britannique considère que les dispositions n'en sont pas applicables aux sujets du Roi. Il exprime, d'autre part, le vif regret de voir les mesures prises par le Gouvernement français pour traiter Tanger comme une partie de la zone française de l'Empire chérifien, malgré les assurances répétées que des arrangements satisfaisants seront pris en ce qui concerne Tanger dans le sens désiré par le Gouvernement de Sa Majesté britannique, surtout au moment où une conférence doit décider de l'institution du futur régime dans la "zone internationale de Tanger."

J'ai l'honneur d'exposer à nouveau à votre Excellence que le Gouvernement de la République ne considère en aucune façon Tanger comme une partie de la zone française de l'Empire chérifien, ainsi qu'il a été exposé à plusieurs reprises au Gouvernement royal. Le droit de légiférer du Sultan à Tanger, tant que le régime spécial prévu par les traités n'y a pas été instauré, s'exerce sur la ville et sur sa banlieue dans les conditions où il s'exerçait avant le Traité de Protectorat sur le Maroc tout entier. La circonstance que Sa Majesté chérifienne est le protégé de la France ne modifie en aucune façon cette situation de fait et de droit.

Si, contre tout droit, on voulait empêcher le Sultan de promulguer à Tanger des règlements pour les collectivités musulmane et européenne, comme d'y délivrer des concessions, on nuirait aux Européens comme aux indigènes et on condamnerait la ville à la stagnation et à la ruine.

Il va de soi que, les Capitulations subsistant à Tanger, les dahirs de Sa Majesté chérifienne n'y sont applicables aux colonies européennes qu'après l'intervention de leurs consuls respectifs. Le dahir visé par votre Excellence n'est donc pas applicable [jusqu'à nouvel ordre*] aux sujets britanniques de Tanger.

J'ajouterai que les terrains sur lesquels doit passer la future ligne de Tanger à Fez m'ont été représentés comme appartenant dans leur très grande majorité à des ressortis-

* Inserted in pencil in original note.

sants français. C'est donc une mesure contraire aux intérêts de nos compatriotes que le Sultan à prise et, dans l'intérêt général, je n'ai pas hésité à autoriser, en ce qui nous concerne, l'application de cette mesure.

Veuillez agréer, &c.
POINCARÉ.

[W 2303/1823/28] No. 65.

The Marquess Curzon of Kedleston to Lord Hardinge (Paris).

(No. 835.)

My Lord, *Foreign Office, March* 23, 1922.

I HAVE received your Lordship's despatch No. 637 of the 13th instant transmitting a copy of the French reply to the protest of His Majesty's Government against the recent dahir providing for the expropriation by the Makhzen of land in the Tangier zone required for the Tangier–Fez Railway.

2. The tone of the French reply is so unsatisfactory and the French arguments are so misleading that I do not feel justified in allowing the matter to drop; and the present indeterminate status of Tangier renders it more than ever necessary to maintain strong protest against French encroachments. His Majesty's Government do not admit that the Sultan, *i.e.*, the French protectorate authorities, are entitled since the war to override rights which have for so many years past been recognised as appertaining to the Diplomatic Body at Tangier. In this particular case recognition of those rights was given by the French Government themselves early in 1914 when they proposed to the Spanish Government that the Diplomatic Body at Tangier should be moved to co-operate, as regards Tangier, in the issue of a dahir to prevent speculative operations in land through which the railway was to pass. I am not aware of anything which has occurred since 1914 to justify the French protectorate authorities in disregarding rights previously acknowledged by them.

3. I request that your Lordship will take an early opportunity of replying to the French note in the above sense.

I am, &c.
CURZON OF KEDLESTON.

[W 3191/1823/28] No. 66.

Lord Hardinge to the Marquess Curzon of Kedleston.—(*Received April* 12.)

(No. 922.)

HIS Majesty's Ambassador at Paris presents his compliments to His Majesty's Principal Secretary of State for Foreign Affairs, and has the honour to transmit herewith copy of a note from the Ministry for Foreign Affairs, dated the 10th April, 1922, respecting the Tangier–Fez Railway.

Paris, April 11, 1922.

Enclosure in No. 66.

M. Poincaré to Lord Hardinge.

M. l'Ambassadeur, *Paris, le* 10 *avril* 1922.

PAR sa lettre du 24 mars, votre Excellence a bien voulu me faire savoir que le Gouvernement de Sa Majesté britannique maintenait sa protestation contre le dahir chérifien relatif aux expropriations des terrains nécessaires à la construction du Chemin de fer de Tanger à Fez dans la zone de Tanger.

J'ai l'honneur de faire savoir à votre Excellence que je ne puis que prendre acte de cette décision. Je reconnais à nouveau que les dispositions du dahir précité ne sont pas applicables aux ressortissants anglais tant qu'un acte en Conseil n'aura pas été rendu à ce sujet, les Capitulations demeurant encore en vigueur dans la ville de Tanger et dans sa banlieue.

Agréez, &c.
R. POINCARÉ.

(e.) Cape Spartel Lighthouse.

[W 1089/164/28] No. 67.

Memorandum communicated to Foreign Office by Señor Merry del Val, February 1, 1922.

THE Convention of the 31st May, 1865, between Spain, Great Britain, France, Belgium, the United States, Portugal, Italy, the Netherlands, Sweden and Norway, Austria-Hungary and Morocco, to which the German Empire afterwards adhered, entrusts the administration of the lighthouse at Cape Spartel to the said signatory Powers for its administration and management. According to article 2 of the convention the management of the lighthouse is to be international, because the Sultan of Morocco does not possess a merchant marine or a navy. The same article adds that, should the Sultan come to have a fleet or mercantile marine after the signature of the convention, His Majesty undertakes to share the expense of the upkeep of the lighthouse in a measure equal to that of the other signatory Powers.

There is now a question as to the shares and intervention in the management of the German and Austro-Hungarian Empires.

It is as well to remark here that, according to article 3 of the above-mentioned convention, the signatory Powers were obliged to pay their share even during a war between themselves or with Morocco. The natural course would therefore have been to have requested Germany and Austria to fulfil this obligation.

If this is impossible after the late war, in order to avoid German and Austrian participation in the management of the lighthouse, it does not seem right that the Makhzen should, as it is proposed, take up the vacant shares, particularly if the Moorish action is to be directed from Rabat.

This is the Spanish Government's attitude in the matter:—

His Catholic Majesty's Government has been informed by His Britannic Majesty's Ambassador in Madrid that the British representative in Tangier would receive instructions to express the opinion that the shares in the upkeep and management of the lighthouse should be divided anew between all the signatory Powers to the convention, including the Moorish Government, who would thus obtain a share in the management of the lighthouse.

It is not clear whether this opinion of His Britannic Majesty's Government represents a compromise or whether they consider that the case foreseen in article 2 has now arisen. The Spanish Government hold that as the Sultan does not possess a navy or mercantile marine in any form or in either zone of the protectorate there is no such case as is indicated above.

At present the Moorish Government have not put forward a claim to participation in the management of the lighthouse, but should they do so the Spanish Government would feel themselves called to remark that as the lighthouse is destined to benefit navigation in the Straits of Gibraltar, the Moorish interests in general, and therefore those of the Spanish zone of the protectorate besides those peculiar to Tangier, are in cause.

In view of this circumstance, the Spanish Government's intention was to instruct their agent in Tangier to annotate the respective circular to the effect that if it is not considered convenient to request the two Powers excluded to pay up the arrears of their respective shares according to the spirit and the letter of the convention of 1865, a decision which is submitted to the representatives of the other signatory Powers, he holds that the two shares in question should be divided among all the signatory nations aforesaid.

Before these instructions were, however, transmitted, the authorities of the French zone of the protectorate—in this case the Director of the Post, Telegraph and Telephone Office—published, in the "Bulletin officiel" of the 22nd November last, an order establishing an electric semaphore at Cape Spartel, with telephonic connection.

The Spanish Government discovered in this decision not only an undue interference of the Moorish Government in the reserved zone of Tangier, but in the rights assigned to the Lighthouse Board constituted by the representative of the signatory Powers of the convention of 1865.

They have therefore addressed a protest to the French Government to the effect

that the three Governments principally interested should have previously exchanged views on the subject, and because the act of the Moorish Government is contrary to the special convention of 1865, reserving the administration and management of the lighthouse to the representatives of the signatory Powers in Tangier.

The Spanish Ambassador would be much obliged for the views of His Britannic Majesty's Government on the subject as a consequence of the explanations given above.

Spanish Embassy, London,
February 1, 1922.

[W 1089/164/28] No. 68.

The Marquess Curzon of Kedleston to Mr. Robertson (Tangier).

(No. 46.)

Sir, *Foreign Office, February 7, 1922.*

WITH reference to your despatch No. 7 of the 5th ultimo, the Spanish Ambassador has addressed to me a communication on the subject of the Cape Spartel lighthouse, in which he states that, in the opinion of the Spanish Government, the action of the French Protectorate authorities in Morocco in establishing an electric semaphore with telephonic connection at Cape Spartel is "not only an undue interference of the Moorish Government in the reserved zone of Tangier, but in the rights assigned to the Lighthouse Board constituted by the representatives of the signatory Powers of the convention of 1865. The Spanish Government have therefore addressed a protest to the French Government to the effect that the three Governments principally interested should have previously exchanged views on the subject, and because the act of the Moorish Government is contrary to the special convention of 1865, reserving the administration and management of the lighthouse to the representatives of the signatory Powers in Tangier."

2. I infer from the above that the semaphore station is under the control and management of the Lighthouse Board, but I am by no means clear on this point. If this indeed be the case, it would appear to be a somewhat high-handed proceeding on the part of the French authorities to convert the previous semaphore into an electric semaphore without previously obtaining the consent of the Lighthouse Board, or at any rate consulting that body.

3. I request that you will inform me without delay what is the exact position in regard to the semaphore.

4. You will be aware, from the correspondence which will have reached you in the print sections, of the manner in which I consider that the difficulty which has arisen in connection with the German and Austrian shares in the Cape Spartel lighthouse should be settled. I presume that in present circumstances there is no prospect of a solution being reached by joint agreement between the foreign representatives at Tangier, and that it will be necessary to discuss the matter in Paris and Madrid.

I am, &c.
CURZON OF KEDLESTON.

[W 1608/164/28] No. 69.

Mr. Robertson to the Marquess Curzon of Kedleston.—(Received February 20.)

(No. 46.)

My Lord, *Tangier, February 4, 1922.*

I HAVE the honour to transmit herewith a memorandum prepared by Mr. Codrington on the subject of the Spartel Lighthouse Commission, of which I am president for the year.

In view of the possibility of action by the Makhzen, I am anxious to raise the question of the provision of a new apparatus at a meeting of the commission, which will probably be held in about a month's time, and to propose that definite quotations should be obtained from the manufacturers. At the same time I should ask the members of

the commission to obtain the consent in principle of their Governments to contribute their share of the necessary expenditure. I should be grateful if your Lordship would inform me as soon as possible whether you would approve of my acting in the above sense.

I have, &c.
ARNOLD ROBERTSON.

Enclosure in No. 69.

Memorandum on Cape Spartel Lighthouse Commission.

British Minister president for 1922.

THE presidency of the Cape Spartel Lighthouse Commission for this year having fallen to the British agency, it is advisable to take stock of our responsibilities in connection therewith, and the following brief summary of the past history and present condition of the light may possibly be of service in determining the attitude to be adopted.

Early History.

The original lighthouse building belongs to the Sultan, who is bound by the convention of the 31st May, 1865, to keep it in repair. By the same convention the administration of the lighthouse is entrusted to the signatory Powers, who agree to contribute in equal shares to the expenses of upkeep. It is stipulated that when the Sultan becomes possessed of a navy or mercantile marine he shall pay the same contribution towards the cost of administration as the other Powers.

Elimination of Germany and Austria.

During the war the contribution of Germany and Austria to the funds of the commission ceased, and owing to this and other reasons the budget of the International Commission showed a deficit (see Sir H. White's despatch No. 38 of the 15th August, 1918).

On the 30th July, the Sultan's representative intimates, in a letter which was circulated to members of the commission, that the Makhzen would undertake to pay the contributions previously paid by Germany and Austria, and would also pay the arrears due to the commission from those Powers. The Spanish Minister recorded on this circular his intention to refer the matter to his Government; the other members merely marked it "Vu." The offer made by the Makhzen formed the subject of protracted correspondence between the Foreign Office and the Board of Trade, copies of which were eventually received here in the Confidential Print. An undated printed despatch (No. 347) from the Foreign Office, received here on the 31st December, transmits for information a copy of a telegram to Madrid (No. 137 of the 9th December), stating the view of His Majesty's Government to be that the Makhzen should now be allowed to contribute and to have a seat on the commission, but that the German and Austrian shares should be equally divided among the remaining Powers.

No communication to this effect has been made to the commission or to the Sultan's representative.

Present state of Finances.

No meetings of the commission were held last year, and the accounts are not yet made up. I understand from M. Cohen, the *greffier* of the French agency, who acts as secretary to the commission, that the Makhzen has actually paid to the commission the amounts due from Germany and Austria, both in respect of current subscriptions and of arrears; he had assumed, as there were no annotations on the circular definitely objecting to this course, that all the Powers represented welcomed this addition to the resources of the commission. He hopes that last year's accounts will show a small credit balance.

Efficiency of the Light.

After the wreck of the "Delhi" many complaints were made with regard to the state of the Spartel light, and both the British and French naval authorities demanded that the apparatus should be improved, and a series of flashes substituted for the

regular ten-second occultations then—and still—shown. As a result, an Internationa Technical Commission was appointed to consider what improvements should be effected in the apparatus.

In April 1914 the commission reported unanimously that the apparatus, though in good order, was out of date and incapable of giving an efficient service, having regard to its important position from the point of view of navigation. Detailed recommendations, accompanied by estimates, were also furnished for bringing the light to a necessary state of efficiency. Owing to the war no action was taken on the commission's report.

In April 1921 Sir H. White invited Captain Sir Acton Blake, Deputy Master of Trinity House, who happened to be in Tangier, to examine the lighthouse and to furnish his views on its state of efficiency. A copy of a letter written by him after his visit is attached (Annex 2*). This letter was circulated to members of the Lighthouse Commission, but no action was taken.

Recent Complaints.

Complaints are still being received, both by the chief engineer of the Travaux publics and also by this agency, and there seems little doubt that the inefficiency of the light constitutes a real danger to navigation. A copy of a recent complaint made by the Bland Company, whose vessels pass Cape Spartel four times a week going to and coming from Casablanca, is attached (Annex 2*).

Views of M. Malégarie.

I have taken an opportunity of discussing the matter with M. Malégarie, the engineer-in-chief of the Public Works Department, who himself spent several years in the French Lighthouse Service. M. Malégarie told me that, in view of the complaints which he constantly received, he had been studying the whole question, and had been in communication with certain French manufacturers of lighthouse apparatus. He showed me certain documents in which the results of his enquiries are set forth, and of which I attach copies, viz.:—

Note by M. Malégarie (Annex 3*).
Letter from René Buzenet et Cie., agents for Messrs. Luchaire (Annex 3A*).
Letter and enclosures (less drawings, which have been returned) from Anciens Établissements Sautter-Harlé (Annex 3B, 1, 2 and 3*).

M. Malégarie then proceeded to discuss the means by which the necessary improvements could be effected. He naturally refused to believe that it would be possible for the delegates of all the eleven Powers represented on the commission to obtain permission to commit their Governments to the expenditure necessary to effect the necessary improvements, and informed me that he had already discussed with the authorities of the French protectorate the possibility of the Makhzen supplying the whole of the funds necessary for installing new apparatus. He had been informed that the Department concerned did not dispose of a sufficient surplus on this year's estimates to make it possible to produce the whole of the sum which will be required, but that as it would probably be possible to defer completion of the payment till next year, that difficulty was not insuperable; he added that if the necessary funds were supplied by the Makhzen, the protectorate authorities would naturally insist that they should be entrusted with the supervision and control of the lighthouse when the new apparatus was installed.

Views on present Management.

M. Malégarie then discussed the present administration. He said that the head keeper, who had been reinstated on assuming Czechoslovak nationality, was efficient, but that his two assistants, who I gather were Spaniards, were useless and should be dismissed. It was unnecessary to maintain three men; many French lighthouses were staffed only by a man and his wife, and one French or English assistant would be amply sufficient at Spartel; he was not aware that any arrangements existed either for the supervision of the staff or for the inspection of the apparatus. He himself had had experience in the French Lighthouse Service, and one of his French subordinates, whose experience in that service was more recent than his own, was an expert on the subject; he was quite willing that the supervision of the lighthouse should be undertaken by his Department.

* Not printed.

Risk of French Encroachment.

The settled policy of the French Government to increase the control of the Makhzen over "international" institutions in Tangier zone makes it highly probable that, unless the International Commission installs the necessary apparatus in the very near future, the authorities of the French protectorate will find some means of assuming control of the lighthouse, though under what pretext they will achieve this is not yet clear.

Necessity for Action by the Powers.

There can be no doubt that the apparatus which was found to be inadequate in 1914 still constitutes a danger to shipping in the Straits, and that it is the duty of the Powers represented on the International Commission to remedy a state of affairs which never have existed till now but for the war. Apart from motives of humanity, His Majesty's Government also have the strongest political motives for inducing the Powers to make the necessary contributions, so that a possible avenue of French encroachment may be blocked.

Before it is possible, however, for the British representative on the commission to broach the question, it is necessary that he should know that His Majesty's Government are not opposed in principle to incurring the necessary expense. The prices obtained by M. Malégarie are entirely provisional, and there exists the possibility—though in view of the depreciation of the franc it is but faint—that Messrs. Chance, from whom M. Malégarie has promised to obtain an estimate, may offer a lower estimate than the French manufacturers.

On the basis of the French estimate, and making no additional allowances for incidental expenditure, the contributions of His Majesty's Government under the different schemes would be as follows:—

Messrs. Luchaire's apparatus—
1/11th of 370,000 fr. = 33,636 fr. = 672*l.* (at 50 fr.).

Messrs. Harlé—
Scheme 1:
1/11th of 168,000 fr. = 15,272 fr. = 305*l.* (at 50 fr.).
Scheme 2:
1/11th of 86,500 fr. = 7,863 fr. = 157*l.* (at 50 fr.).
Scheme 3:
1/11th of 127,000 fr. = 11,545 fr. = 231*l.* (at 50 fr.).

The principle of expenditure once admitted by His Majesty's Government, the British representative, as president, could then convoke the commission and seek authority to obtain definite quotations. It would seem advisable that His Majesty's representatives in the different capitals should be instructed at the same time to express the hope of His Majesty's Government that foreign Governments represented on the commission should authorise their respective delegates to vote in favour of the proposed improvements.

W. M. CODRINGTON.

[**W 1608/164/28**] No. 70.

Foreign Office to Board of Trade.

Foreign Office, February 25, 1922.

Sir,

WITH reference to the Board of Trade letter of the 7th December last and previous correspondence, I am directed by the Marquess Curzon of Kedleston to transmit a copy of a despatch from His Majesty's agent and consul-general at Tangier, enclosing a memorandum by Mr. Codrington and other papers relative to the Cape Spartel lighthouse.*

2. It is obviously desirable in the interests of British shipping that the lighthouse should be furnished with new and more powerful apparatus. Apart from this consideration, Mr. Codrington calls attention to the danger of endeavours being made by the Mahkzen to assume control of the lighthouse unless early provision is made by the International Commission for the installation of a new apparatus. Lord Curzon hopes therefore that the Board will see their way to

* See No. 69.

consent in principle to the provision of the British share of the necessary funds. In that event Mr. Robertson will be instructed to insist on Messrs. Chance who, his Lordship believes, are the sole British manufacturers of lighthouse apparatus, being allowed to tender.

3. Lord Curzon would be grateful for an early reply to this letter.

I am, &c.
G. H. VILLIERS.

[**W 1983/164/28**] No. 71.

Board of Trade to Foreign Office.—(Received March 6.)

Board of Trade, March 4, 1922.

Sir,

I AM directed by the Board of Trade to acknowledge the receipt of your letter of the 25th February on the subject of the proposed improvement of the Cape Spartel light, and, in reply, I am to acquaint you, for the information of the Marquess Curzon of Kedleston, that the Board consent in principle to the provision from the general lighthouse fund of the British share of the expense involved in the proposed improvement, and concur in the instruction to be given to His Majesty's agent and consul-general at Tangier to insist on Messrs. Chance Brothers and Co. (Limited), of Birmingham, being allowed to tender for the required apparatus.

I am to add that, as his Lordship is doubtless aware, a scheme for the improvement of the light and fog signal at Cape Spartel was under consideration in the year 1914, when the Board of Trade intimated their willingness to make additional contributions from the general lighthouse fund to cover the British share of the initial expense and of the increased charges for the maintenance of the station. The Board's correspondence in regard to this scheme of improvement closed with their letter to the Foreign Office dated the 4th June, 1914, conveying the recommendations made by the Trinity House respecting the characters to be adopted for the improved light and fog signal.

I am, &c.
C. H. GRIMSHAW.

[**W 1983/164/28**] No. 72.

The Marquess Curzon of Kedleston to Mr. Robertson (Tangier).

(No. 94.)

Foreign Office, March 11, 1922.

Sir,

WITH reference to your despatch No. 46 of the 4th ultimo, I transmit to you herewith a copy of a letter from the Board of Trade,* approving the provision from the general lighthouse fund of the British share of the expense involved in the suggested improvement of the Cape Spartel lighthouse.

2. I approve your proposal to raise the question of the provision of a new apparatus at an early meeting of the Lighthouse Commission. You must of course insist on Messrs. Chance Brothers being allowed to tender for the work.

I am, &c.
CURZON OF KEDLESTON.

[**W 4990/164/28**] No. 73.

Mr. Robertson to the Earl of Balfour.—(Received June 16.)

(No. 233.)

Tangier, June 8, 1922.

My Lord,

I HAVE the honour to acknowledge the receipt of Lord Curzon's despatch No. 46 of the 7th February, on the subject of the lighthouse and signal station at Cape Spartel, and to regret the delay that has occurred in furnishing the information called for by his Lordship.

As was reported in my despatch No. 7 of the 5th January, the *arrêté* of the

* See No. 71.

14th November last, against which the Spanish Government has protested, referred to the signal station at Cape Spartel, as its text made clear, and not to the lighthouse there. Lloyd's established a signal station at Cape Spartel about thirty years ago, but, owing to the introduction and improvement of wireless telegraphy, they considered it unnecessary to maintain the station, and it was closed in 1920. The building in which the station had been installed was returned to the Makhzen, to which it had always belonged. For local reasons, however, it was thought unfortunate that the station should be closed, and it was presumably in view of this feeling that the Director of Shereefian Posts and Telegraphs issued the *arrêté* declaring that an electric semaphore, together with a public telephone office, would be established at the signal station. This station has, of course, never been under the control or management of the Lighthouse Commission and no protest against the decree could therefore be based on the special Lighthouse Convention of 1865.

I had, however, at the time of its issue from Rabat, considered whether or not the *arrêté* constituted an undue interference on the part of the Moorish Government in the reserved zone of Tangier, but, as I explained in my above-mentioned despatch, I decided that it should be regarded as a merely administrative order made in the best interests of shipping and commerce and that it could not, in my opinion, form the subject of a protest to the French authorities.

In view of the fact that it is expressly stated in its text that the *arrêté* refers to the signal station at Cape Spartel, I am unable to explain the attitude adopted by the Spanish Government in basing their main objection to it on the provisions of the Lighthouse Convention. It is, however, the fact that the signal station is at present considered to be uninhabitable and that, pending its repair, I understand that effect will not be given to the terms of the *arrêté*. No telephone nor semaphore therefore exists in it. On the other hand, when the Makhzen purchased the telephone line from Lloyd's, as reported in Sir Herbert White's despatch No. 410 of the 18th October last, they placed the line at the disposal of the Lighthouse Commission and the telephone is now installed in the lighthouse. Further, on the closing of the flag signal station, the code book was handed to the guardian of the lighthouse, who agreed to receive signals from passing vessels and to transmit them to Tangier, as had been done by the lighthouse guardian prior to the establishment of the signal station thirty years before. It is, perhaps, possible that the Spanish Government is protesting against the present arrangements at the lighthouse and regarding them as resultant upon the November *arrêté*. In point of fact, the effect of the *arrêté*, when its terms are carried out, will be to render these arrangements unnecessary.

I have, &c.
ARNOLD ROBERTSON.

(f.) Police Tabors in Tangier.

[**W 2799/1015/28**] No. **74.**

Mr. Robertson to the Marquess Curzon of Kedleston.—(*Received March* 30.)

(No. 120.)
My Lord, *Tangier, March* 20, 1922.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch No. 45 of the 3rd ultimo, asking for my observations on a *projet de loi* laid before the French Chamber with regard to the assimiliation of the "Troupes auxiliaires marocaines" to the French regular army. The only unit of these forces stationed at Tangier is the "Compagnie chérifienne," which is classed for administrative purposes with the "Troupes auxiliaires marocaines," and is the detached company referred to in article 1 of the *projet de loi*. By this article the company is excluded from the provisions of the Bill. The proposed Act would therefore in no way affect the position here.

I gather from Lord Hardinge's despatch to your Lordship, No. 266 of the 31st January, that his Excellency is not clear as to the difference between the "Compagnie chérifienne" and the military police tabors here. As your Lordship is already aware, there are two police tabors established by the Act of Algeciras and formed under an agreement made by the Corps diplomatique in 1908. Tabor No. 1, which is under the instruction of French officers, has an establishment of 500 men, and is responsible for the maintenance of order in a prescribed area outside the town

Tabor No. 2, with a strength of 250 men, is under Spanish instruction and forms the urban police.

Distinct from these tabors is what is generally known as the "Compagnie chérifienne," which has an establishment of 250 men, but now numbers, I believe, somewhat less. The numerous designations applied at various times to this company tend greatly to confuse the situation. The company is properly described as the "Garde chérifienne, compagnie 'A,'" and is also officially termed "Compagnie chérifienne 'A'" or "Compagnie auxiliaire marocaine 'A'." It is sometimes loosely referred to as "Troupes auxiliaires marocaines," of which it is, of course, a part. This company is a development of the Shereefian artillery tabor, which was formed at Tangier in the '70's under two British non-commissioned officers. It occupies in part the same quarters as the old tabor and continues to perform its duty of serving the saluting batteries at the port. For this reason it is still occasionally referred to as the "Artillery tabor" or "Tabor chérifien." The company, which is now under French instruction and commanded by a French officer, is in principle a purely Shereefian unit and takes its orders from the Sultan through his representative at Tangier or through the Basha of the town. Under these orders, the company, among other duties, furnishes certain guards, both in the town itself and outside the walls, and it must therefore be considered as part of the forces at the disposal of the Moorish authorities for the preservation of law and order here. During the war, I understand, the company became a recruiting depot for Moorish soldiers destined for service in France, and, for this purpose, it was known as the "10me Compagnie des Tirailleurs marocains." This title is still occasionally incorrectly applied to it.

I have sent a copy of this despatch to His Majesty's Ambassador at Paris.

I have, &c.
ARNOLD ROBERTSON.

[**W 3288/1015/28**] No. **75.**

Mr. Robertson to the Marquess Curzon of Kedleston.—(*Received April* 18.)

(No. 148.)
My Lord, *Tangier, April* 5, 1922.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch No. 118 of the 23rd March, in which your Lordship asks for my opinion as to whether a protest should be made to the French Government on account of the recent *projet de loi* which recognises the "Compagnie chérifienne" here as being a unit of the "troupes auxiliaires marocaines."

This company has frequently formed the subject of protest by the Spanish authorities, whose argument that it exists in defiance of the Act of Algeciras seems to rest upon the fact that no mention of it is made in the text of that agreement. The French reply, I believe, is that, as the company was in existence before the signature of the Act and was not abolished by it, its existence has been tacitly approved. This seems to be equally logical. I understand that His Majesty's Government has never supported the Spanish view, and in this connection I would particularly refer your Lordship to Mr. Clark Kerr's despatch No. 216 of the 17th May last and relative correspondence.

Although the existence of the company here strikes me as being somewhat anomalous, its status has long been a matter of common knowledge, and, in my opinion, the drafting of a purely French instrument such as the *projet de loi* in question, which in no way changes that status, cannot provide any new ground for protest.

With regard to the third paragraph of your Lordship's despatch under reply, I have the honour to inform your Lordship that, as I reported in my despatch No. 120 of the 20th March, the company has been assimilated to the "Garde chérifienne," of which it may be regarded as a detached company. The main body of the guard is, of course, with the Sultan at Rabat.

I have, &c.
ARNOLD ROBERTSON.

(g.) The "Décanat" of the Diplomatic Corps.

[W 1623/1623/28] No. 76.

Señor Merry del Val to the Marquess Curzon of Kedleston.—(*Received February* 17.)

(Translation.)
(Confidential.)

My Lord, *Spanish Embassy, London, February* 16, 1922.

ON the 29th December, 1915, M. López Roberts, the Spanish representative at Tangier, communicated the appointment of his successor, M. Serrat, as diplomatic agent of Spain at Tangier, to all the representatives of foreign States in that city and also to the Sultan's delegate. On the arrival of the new Spanish agent at Tangier he was received on the quay by representatives of the Sultan's delegates and of the Pasha, the Diplomatic Corps and all the official bodies. On the 31st December, 1915, M. Serrat sent an official note to the Sultan's delegate informing him of his assumption of office, which was duly acknowledged on the 4th January, 1916. The customary official calls were exchanged between M. Serrat and Sidi Mohamed-el-Tazi, the circular to the Diplomatic Corps announcing the appointment of the new Spanish diplomatic agent was endorsed in the most cordial terms and without any objection by M. Couget, the French diplomatic agent, and M. Serrat entered into official correspondence, both verbal and written, with his colleagues and the local authorities.

The question arose whether M. Serrat should present credentials to the Sultan at Rabat as do other foreign representatives whose sphere of duties is not confined, like that of the Spanish representative, to the Tangier zone, but embraces also the French zone. As, however, Spain does not recognise the authority of the Sultan, and much less that of the French Resident, Minister for Foreign Affairs at Tangier, an exchange of correspondence took place between the Madrid and Paris Governments, and all was amicably settled by means of a formula suggested by the Minister for Foreign Affairs of France, in accordance with which M. Serrat was to be recognised upon that one occasion (with regard to which limitation the Spanish Government reserved their dissent) through the notification of his appointment to the Sultan's delegate. This communication, as has been said, had already been made. From that time onwards the Spanish diplomatic agent at Tangier never met with the least objection on the part of his French colleague to the full discharge of his mission under conditions of equality with the other foreign representatives, and maintained the necessary official relations with them and the Sultan's delegate, annotating all the circulars of the Diplomatic Corps and taking part in all their meetings, &c.

Such being the case, it was natural and logical that on the retirement in October last of the British diplomatic agent, Sir H. White, who preceded M. Serrat in order of seniority, he should hand over to the latter the *décanat* together with its archives, at the same time informing the Diplomatic Corps thereof in an appropriate circular. I would observe that the order of seniority amongst foreign representatives accredited to Tangier is solely determined by an agreement of the Diplomatic Corps dated the 8th April, 1914, the tenor of which is as follows: "Le Corps diplomatique est tombé d'accord pour considérer que la préséance entre ses membres se règle en prenant pour base la date de notification de prise de service faite par écrit aux autorités du pays, en tenant pour admis que cette date est en principe celle de la prise de service."

From that time forward M. Serrat assumed the duties of doyen of the Diplomatic Corps, and in this capacity he addresses the necessary circulars to the Diplomatic Corps accredited at Tangier. These circulars have been annotated by all the diplomatic representatives with the single exception of that of France, who, though accepting and taking cognisance of them, for at times he takes action which is the logical result of the information he acquires from them, invariably returns them without comment.

This method of procedure produces an ambiguous situation which, besides giving the French representative the liberty to conceal from his colleagues his opinion upon matters appropriate to the Diplomatic Corps, whilst enjoying the privilege of knowing theirs, may give rise to friction the moment it becomes necessary to come to some agreement which may imply a compromise. Moreover, it might involve the beginning of the non-recognition of the capacity and duties of the foreign Diplomatic Corps at Tangier and form a precedent for issues derogatory to the prestige of that honourable body, important at all times, but much more so in that city in which it is invested with such special attributes.

Under these circumstances, M. Serrat has announced his intention of explaining the position to his colleagues in order that they may decide as to the procedure to be adopted, thus declining all responsibility for the French Government's attitude of consistent abstention.

In bringing the foregoing most confidentially to your Lordship's knowledge, I venture to express the confidence which the Spanish Government entertains, that, after weighing the matter with complete impartiality, His Majesty's Government will give their representative at Tangier the necessary instructions to support the views of M. Serrat, should he proceed with his above-mentioned proposal.

I have, &c.
A. MERRY DEL VAL.

[W 1623/1623/28] No. 77.

The Marquess Curzon of Kedleston to Mr. Robertson (Tangier).

(No. 66.)

Sir, *Foreign Office, February* 24, 1922.

WITH reference to Mr. Clark-Kerr's despatch No. 431 of the 1st November last, I transmit herewith a copy of a note* from the Spanish Ambassador on the subject of the recognition of M. Serrat as doyen of the Diplomatic Body at Tangier.

2. You will see from Señor Merry del Val's note that M. Serrat intends to summon a meeting of his colleagues in order that they may decide what procedure should be adopted to overcome the difficulty caused by the refusal of the French Government to recognise him as doyen. If this meeting takes place and if you are called upon to express an opinion and give a vote, I authorise you to support M. Serrat's claim to be recognised as doyen.

I am, &c.
CURZON OF KEDLESTON.

[W 4988/1623/28] No. 78.

Mr. Robertson to the Earl of Balfour.—(*Received June* 16.)

(No. 217.)

My Lord, *Tangier, June* 3, 1922.

I HAVE the honour to report, with reference to the Spanish Ambassador's note to the Marquess Curzon of Kedleston of the 16th February last, that the question of the *décanat* was raised at a meeting of the Diplomatic Corps—which the French agent did not attend—on the 25th May.

It came to be raised in the following circumstances:—

The present position has for some time past appeared to me to be intolerable and undignified. My other colleagues and I have been aware unofficially that M. de Carbonnel did not recognise M. Serrat, the Spanish agent, as doyen, but we have had no official communication to this effect. When Sir Herbert White handed over the archives of the *décanat* to M. Serrat and notified his colleagues to that effect by circular, M. de Carbonnel merely refrained from annotating the circular. He has adopted this attitude ever since, which I cannot but regard as discourteous.

It gradually occurred to me that there were two reasons dictating the French attitude. First, no doubt, it did not suit their new-found enthusiasm for the authority of the Sultan that the doyen of the Diplomatic Corps not only was not accredited to His Majesty, but did not acknowledge his authority over the Tangier zone; but, secondly, they were probably glad of the opportunity to make it difficult for the Diplomatic Corps to take corporate action as it had done in the past. As your Lordship is aware, the Diplomatic Corps at Tangier has exercised a variety of functions, both under treaty stipulations and by prescription, which they do not exercise at other posts. It is now the policy of the French protectorate authorities to dispute, at any rate, the prescriptive rights. An easy way of assisting this policy was to instruct the French agent not to annotate circulars emanating from M. Serrat and not to attend the meetings of the Corps summoned by him.

The position of the Diplomatic Corps thus became undignified in the extreme, and circumstances at Tangier are such that it was not at all impossible that an incident

* See No. 76.

might arise at any moment demanding corporate action, which could be delayed or rendered nugatory by my French colleague through the simple expedient of holding up a circular and refusing to annotate it.

In these circumstances, it appeared to me essential that the situation should be cleared up once and for all, and that M. de Carbonnel should be forced to declare his attitude formally. My other colleagues are not prone to take the initiative in any matter, and I was a little anxious lest the violence of M. Serrat's temperament and the personal ill-feeling which exists between him and M. de Carbonnel might cause the question ultimately to be raised in an all too heated atmosphere. I therefore decided to take an opportunity of raising the question myself.

This opportunity offered when I received, in common with all my other colleagues, a letter from Sid Mohammed Tazi, in his capacity as president of the Comité spécial des Travaux publics, informing me that, in response to a request from my Spanish colleague, he had sent him the minutes of certain meetings of the committee. The letter, dated the 22nd April, concluded as follows: "Je crois répondre à votre désir en vous transmettant également des documents." I replied, pointing out that, though some of the minutes related to meetings that had taken place several months previously, they did not yet appear to have been communicated to the Diplomatic Corps through its doyen, the Spanish diplomatic agent. I should be glad to learn when this communication would be made, as I could not accept the present communication as official, the proper course being for the minutes to be sent to the doyen of the Diplomatic Corps.

To this Sid Mohammed Tazi replied on the 18th May, saying that the procedure outlined by me could not be adopted, "le Makhzen n'ayant pu reconnaître la qualité de doyen à M. Serrat." This letter I at once sent to my Spanish colleague, saying that I was somewhat astonished that it should be the president of the Comité spécial des Travaux publics who should thus inform me of a decision of the Makhzen of which I had until then been ignorant. Perhaps some letter of the Makhzen's had gone astray, but M. Serrat would no doubt hold it opportune to summon a meeting of our colleagues with a view to Sid Mohammed Tazi's letter being discussed.

At about the same time—on the 2nd May—I submitted to my colleagues, through M. Serrat, the request of Messrs. Evans and Co. for permission to station a coal-hulk in Tangier Bay (see my despatch No. 107 of the 13th March). My letter was duly circulated, but M. de Carbonnel, who refrained as usual from annotating the circular, addressed an identic letter to all the diplomatic agents, including M. Serrat, the second paragraph of which ran as follows: "Je ne vois pas d'inconvénient à ce que les intéressés adressent au Naïb la demande dont il s'agit. J'ai l'honneur de vous en faire part, comme à tous les représentants étrangers, n'étant pas en mesure de reconnaître à M. l'Agent diplomatique d'Espagne la qualité de doyen du Corps diplomatique à Tanger." This letter was dated the 22nd May, and had the advantage of at last defining the French agent's position.

The meeting of the Diplomatic Corps, with the exception of the French agent, took place on the 25th May, M. de Carbonnel not only refraining from annotating the circular summoning it, but returning, without comment, to M. Serrat a note asking him to appoint a French secretary for the meeting in accordance with established practice, a somewhat unnecessarily discourteous action.

There were present at the meeting the Spanish, Belgian, Portuguese, Dutch and American diplomatic agents, besides the acting Italian diplomatic agent and myself.

M. Serrat opened the meeting by reading a long explanation of his position, into the details of which I need not now enter. It elaborated his case, as stated to Lord Curzon in Señor Merry del Val's note of the 16th February, and showed convincingly that he had never received the smallest hint from the French authorities or from the Makhzen to the effect that they did not recognise him as diplomatic agent on the same footing as his other colleagues. The fact that the French Minister for Foreign Affairs had, in 1915, agreed that M. Serrat should be recognised through the notification of his appointment to the Sultan's delegate at Tangier, but reserved his decision in regard to future cases, appeared to preclude their declining to recognise him now.

I spoke after M. Serrat, and pointed out that there were two questions to be considered: First, the recognition of M. Serrat as doyen by the French agent; secondly, his recognition as doyen by the Makhzen.

As regards the first point, M. de Carbonnel had now definitely defined his attitude in writing, and I did not think that we could properly dispute his decision not to recognise M. Serrat as his doyen. It had become the custom for Diplomatic Bodies to have a spokesman; that spokesman was, also by custom, the senior accredited foreign

representative, but there was, so far as I was aware, no reason why an individual member of the Diplomatic Body should not elect to do all his business himself and decline to act through the medium of any of his colleagues. During the recent war, for example, I very much doubted whether, if the senior member of the Diplomatic Corps at a neutral capital had been the German representative, the Allied representatives would have recognised him as their doyen. (My Portuguese colleague here intervened, and I understood him to say that the case had arisen at Peking, where they had ultimately had two, if not three, doyens.)

The second point was much more serious. I could not feel that a Government had the right to dictate to the Diplomatic Corps who should or who should not be their doyen, provided that he were a properly accredited representative. If the chosen doyen were not a properly accredited representative, that would be a different matter. Supposing, for example, that the Russian Ambassador at London, appointed under Kerensky's Government, were regarded as doyen, His Majesty's Government could properly object that they did not recognise him as Ambassador, and therefore could not recognise him as doyen. They could not, however, refuse to the Diplomatic Corps the right to elect their spokesman from among their own numbers. So far as we were concerned, we had no official knowledge of the attitude of the Makhzen, but I had received a note from the president of a local committee informing me that the Makhzen did not recognise M. Serrat as doyen. That was quite improper, and we could either ignore the letter altogether or inform the Makhzen of it and ask them to define their position.

After a lengthy discussion, it was finally decided that all those present at the meeting recognised M. Serrat as their doyen, and that we should all sign a letter to Sid Mohammed Tazi, as the delegate of the Sultan, informing him that the British diplomatic agent had received a letter from the president of the Comité des Travaux publics stating that the Makhzen did not recognise the Spanish agent as doyen of the Diplomatic Corps. We should be glad to know whether this was correct; and, if so, what were the Makhzen's reasons. It was also decided that I should return no reply to the letter addressed to me.

Two days before the meeting I went to see my French colleague, and told him frankly what action I had taken and explained my reasons. M. de Carbonnel appeared to be considerably put out, and did not consider that there was any reason for the question's being raised at all. I adhered to my view that the position hitherto had been intolerable and undignified, and that it was essential that it should be cleared up. In the discussion which took place between us I gathered that the French view was that M. Serrat was diplomatic agent *de facto* but not *de jure*, that he could carry on business with the Sultan's representative, but could not be regarded as being on the same footing as properly accredited agents. I was unable to appreciate the distinction, especially in view of the fact that M. Serrat has for seven years been given precedence by successive French agents in accordance with the date of his arrival at Tangier, and has been treated in all respects exactly the same as all the other foreign representatives.

I informed the meeting of what I understood to be M. de Carbonnel's view, which he had apparently also explained to one or two of my colleagues. M. Serrat at once pointed out that in those circumstances he was a Chargé d'Affaires and not a diplomatic agent at all. He had, however, always been treated as the latter.

In point of fact it appears to me that there is right and also wrong on both sides in this tiresome and undignified dispute. M. Serrat's position is, indeed, anomalous, and, as he has not only never presented any credentials, but actually refuses to recognise the authority of the Sultan over Tangier, it would seem that he has no undisputed right to be treated as a diplomatic agent like the rest of his colleagues. On the other hand, he has been so treated by the French themselves for a period of seven years; his appointment was recognised at the time in 1915, and the French would appear now to be precluded from refusing to regard him as doyen.

When the Makhzen's reply is received, I propose to refer to your Lordship for instructions. If the Government to which we are accredited declines any longer to regard him as a fully qualified diplomatic agent, it appears to me that the Diplomatic Corps cannot properly regard him as their doyen.

I have, &c.
ARNOLD ROBERTSON.

[W 5196/1623/28] No. 79.

Mr. Robertson to the Earl of Balfour.—(*Received June* 22.)

(No. 243.)

Tangier, June 16, 1922.

My Lord,

WITH reference to my despatch No. 217 of the 3rd June, I have the honour to forward to your Lordship herewith translation of the reply which I, in common with my other colleagues, have received from Sid Mehemmed Tazi, to our joint note of the 7th June, on the subject of the *décanat*.

From this reply it would appear that my Spanish colleague has hitherto been permitted to carry on his duties as "non-official agent" by concession only, and for purely local purposes, his relations with the Sultan's representative at Tangier being based on no legal foundation but necessitated by temporary local circumstances. In view of the fact that he has presented no letters of credence, that his appointment has never been ratified regularly and that he has publicly stated that he does not recognise the sovereignty and authority of the Sultan over Tangier, he cannot be regarded as on the same footing as other foreign representatives who do recognise the sovereignty of the Sultan and who have presented letters of credence. In these circumstances, the enclosure to the note states, I will probably not consider it possible to invest M. Serrat with the *décanat*. If I do, however, the Makhzen will be compelled with every regret to break off relations with him.

The reasoning of the note, except in matters of detail, appears to me to be sound. It is only vitiated by the undoubted fact that during the last seven years M. Serrat has been treated on precisely the same footing as the rest of his colleagues, and been given precedence accordingly at official functions and, notably, at the French agency. At a recent small dinner at that agency M. Serrat was given precedence over me, which is inconsistent.

However, the fact with which we now have to deal is that the Makhzen have officially informed us that they do not consider M. Serrat as a properly accredited diplomatic agent, and that if we recognise him as doyen, they will entirely sever relations with him. It appears to me that they are entitled to adopt this attitude, and that the Diplomatic Corps cannot properly regard as their doyen an official who is not recognised by the Government to which they are accredited.

I should be grateful if your Lordship would furnish me with telegraphic instructions as to the attitude which I am to adopt, at as early a date as possible. No doubt a meeting of the Diplomatic Corps will be held almost immediately to consider Sid Mehemmed Tazi's note, but I shall content myself with observing that a new situation has arisen and that I have referred to your Lordship for instructions.

It would be useful if the Spanish Government could be induced to recognise the sovereignty of the Sultan over Tangier. Both for our purposes and for their own, they would be in a much stronger position in any negotiations which may some day take place in regard to the status of Tangier. They can hardly seriously expect that it will ever be incorporated in the Spanish zone, and it is, therefore, at least as much to their interest as to ours that Tangier should be internationalised and an end be put to French predominance and encroachments, against which they are as powerless, in fact, as are we. I have never been able clearly to understand on what grounds the sovereignty of the Sultan is disputed. If the argument is that Tangier forms part of the Spanish zone, then M. Serrat should be accredited to the Khalifa of that zone and so, vicariously, to the Sultan. But M. Serrat is accredited to no one, and his position is wholly anomalous.

The Belgian agent is the senior accredited diplomatic agent, and the *décanat* would fall to him if we declined any longer to recognise M. Serrat.

I have, &c.

ARNOLD ROBERTSON.

P.S.—Since writing the above, I have been informed by my Spanish colleague that he intends to summon a meeting of the Diplomatic Corps for Saturday, the 24th June, to consider the serious issues raised in the letter from the Sultan's representative.

I have the honour to request that I may be furnished with instructions as to the attitude I am to adopt before the date of the meeting.

A. R.

Enclosure 1 in No. 79.

Sid Tazi to Mr. Robertson.

Praise be to God alone!

(After Compliments).

IN a letter dated the 7th June, the respective representatives of Spain, Portugal, Belgium, Italy, England, Holland and the United States of America, were good enough to ask me concerning a reply I sent to the diplomatic agent of Great Britain relative to the view of the Shereefian Makhzen regarding their object in appointing his Excellency Señor Serrat as doyen of the Diplomatic Body.

After obtaining the views of my Government on this subject, I have to inform your Excellency that, as Señor Serrat has not, up to the present, applied for the ratification by His Majesty the Sultan of his appointment as diplomatic agent and as, further, he has denied publicly the lordship and authority of the Sultan over Tangier, he cannot be treated in a manner similar to that of the other representatives, whose appointments have been regularly ratified. As also he cannot be accepted to deal with the Makhzen in their name on those matters which concern them collectively, and, since the question of the ratification of the appointment of a foreign diplomat, or its non-ratification, is one of the attributes of the Sovereign of the country, I consider that it is of advantage that I should transmit to you herewith for your information a memorandum relative to the legal position of Señor Serrat as regards his relations with the Makhzen authorities

May you continue, &c.

MEHEMMED TAZI.

Tangier, 17 *Showal*, 1340 (*June* 14, 1922).

Enclosure 2 in No. 79.

Memorandum relative to the Legal Status of the Spanish Diplomatic Agent.

SEÑOR SERRAT arrived at Tangier in December 1915, in his capacity of diplomatic agent and consul-general, and the Makhzen at that time had no reason to think that this new diplomat would not conform to the habitual usage, and he was consequently given the customary reception. In reply to the letter in which he informed the Sultan's representative that he had assumed the duties of his post, the latter offered his congratulations on his safe arrival. Also, the Minister for Foreign Affairs to His Shereefian Majesty, who had been informed by the said Naib of the arrival of Señor Serrat, promised his assistance in the fulfilment of his mission.

In the meantime, the Spanish Government informed the French Ambassador in Madrid that their agent did not hand his letters of credence to the Sultan because his mission only embraced the Tangier zone, the authority and lordship of the Sultan over which Spain did not recognise.

With a view to peaceful relations with a friendly nation, and taking into account that Señor Serrat had already entered on his duties, the Makhzen did not, for that one occasion only, and, as an exception, ask for the letters of credence, but they would in future insist that every Spanish agent should follow that custom, which derives from the royal rights which His Majesty the Sultan has over Tangier.

Spain refused absolutely to accept this arrangement, and maintained her views on the question.

After an exchange of views on the subject, which led to no result, the French Minister for Foreign Affairs closed the discussion in August 1916 by insisting on the right of the Makhzen to ask for the presentation of letters of credence.

This entailed the breaking-off of all official relations between the officers of the Makhzen and those of Spain at Tangier; but, from a desire for peaceful relations and to avoid anything which would affect the interests of the subjects of the two nations, the Makhzen made the concession that the Naib at Tangier should entertain relations, not based on a legal basis, but necessitated by temporary local circumstances, with the Spanish agent. These relations, however, were not to go beyond the respect due to the royal rights of the Sultan.

In these difficult circumstances the Dar-en-Niaba always did its utmost to treat his Excellency Señor Serrat with the greatest courtesy, so that the differences which had arisen between the two nations might not be openly exposed.

But this was not the attitude assumed by the Spanish diplomatic agent, who frequently and publicly stated, even in the newspapers, that he did not recognise the

lordship and authority of the Sultan in Tangier, and that he only considered his Naib there had a local authority—not founded on any legal basis—rendered necessary by temporary local circumstances.

In the same way General Gouraud informed him, in January 1917, of his appointment as Minister for Foreign Affairs to His Shereefian Majesty, but, by order of his Government, Señor Serrat did not reply, stating that he had no relations with the Vizier of a monarch who did not rule over Tangier.

Then recently, at the time of the visit of the President of the French Republic to Rabat, His Majesty the Sultan, from his desire not to make public the difference by treating Señor Serrat differently from the other representatives, invited him with the others (to Rabat); but he did not appreciate this proof of great courtesy at its true value, and he did not accept the invitation, thereby recognising that his irregular status would not permit him to be present at an official gathering of the foreign representatives at the Sultan's Court in a capacity similar to that in which they attended there.

These indications suffice to demonstrate how far the Makhzen went in order to continue the temporary situation which permitted the treatment of local affairs.

The Dar-en-Niaba would not have departed from this attitude had not Señor Serrat forced it to make clear the view of the Makhzen on the matter by his haste in accepting the *décanat* without giving consideration to the difficulties which he would thereby occasion to the smooth running of the affairs of the Diplomatic Body.

I do not think that, after you have cognisance of the true state of the matter, your Excellency will consider it possible to invest Señor Serrat with the *décanat*. If it is so, however, the Makhzen will be compelled with every regret to break off relations with him.

If you accord to Señor Serrat the position of doyen, there will result from that delegation privileges similar to those which each of you only enjoys by reason of the ratification by His Majesty the Sultan of his appointment, as Señor Serrat—the non-official agent, who carries on his duties by concession (only), and whose appointment has not been officially ratified—will be on an equality with your Excellencies, who are representatives of the nations legally accepted to deal with the Makhzen.

Moreover, the *décanat* carries with it the right of dealing with the Minister for Foreign Affairs, whereas Señor Serrat, by instructions from his Government, has always refused to have any official relations of whatever nature with his Excellency Marshal Lyautey; and, finally, the differences which have arisen among the Diplomatic Body as regards the person of the doyen, permit the Makhzen to consider that the *décanat* is now vacant.

Further, the Minister for Foreign Affairs can only deal with an agent who holds regularly the delegation of every one of the diplomatic agents, whereas (in this instance) unanimity in the choice of the doyen does not exist, as his Excellency the French Minister has informed the Sultan's representative that he does not accept the proposal to appoint his Excellency Señor Serrat as doyen.

[**W 5196/1623/28**] No. 80.

The Earl of Balfour to Mr. Robertson (Tangier).

(No. 20.)
(Telegraphic.) *Foreign Office, June 24, 1922.*

YOUR despatch No. 243.

In our view the Sultan's sovereignty over the whole of Morocco has never been in dispute. The question at issue is through whose protectorate his sovereign rights over Tangier should be exercised. We hold the French Government to their solemn pledge that the protecting power shall be an international body.

If it is true that M. Serrat has publicly stated that he does not recognise sovereignty of Sultan over Tangier and that he cannot have any relations with Makhzen, obviously he cannot act as spokesman and representative of Diplomatic Body in their dealings with Makhzen, and we cannot support his claim to *décanat*, if French and Moorish Governments oppose claim on this ground, although we feel that such opposition is curiously at variance with attitude hitherto adopted by those two Governments. If report be not true, we will support Serrat's claim on the ground that Makhzen and French Government have recognised him as Spanish representative for past seven years.

Chapter II.—The French Zone.

(a.) The Grant of British Protection to Natives.

[**W 254/165/28**] No. 81.

The Marquess Curzon of Kedleston to Lord Hardinge (Paris).

(No. 151.)
My Lord, *Foreign Office, January 16, 1922.*

I TRANSMIT herewith copies of two despatches from His Majesty's Chargé d'Affaires at Tangier,* in the first of which will be found a communication from the French High Commissioner at Rabat on the subject of British protected persons in Morocco.

2. The previous correspondence to which Mr. Clark Kerr refers in his despatches will be found in the "Morocco" print in the archives of your Excellency's Embassy, with the exception of certain correspondence which passed between the Foreign Office and the French Embassy in London in 1915. Copies of this correspondence are now enclosed.†

3. A memorandum has been prepared in this Department setting forth the views of His Majesty's Government on the points raised in Marshal Lyautey's communication. I transmit herewith copies of the memorandum, which I request your Lordship to communicate to the French Government.

I am, &c.
CURZON OF KEDLESTON.

Enclosure in No. 81.

Memorandum.

THE French Government will remember that during the years 1913 to 1915 correspondence passed between the Foreign Office and the French Embassy in London on the subject of British-protected persons in Morocco. This correspondence ended with the Foreign Office note of the 31st December, 1915, in which Lord Grey, at that time Secretary of State for Foreign Affairs, expressed the view that discussion of the principles involved might with advantage be postponed until a more suitable moment.

2. The question has now been reopened in a communication which the French High Commissioner at Rabat has addressed to His Majesty's Chargé d'Affaires at Tangier. The French Government are no doubt cognisant of the terms of this communication, but for convenience of reference a copy is annexed hereto.‡

3. At the outset His Majesty's Government desire to place on record their concurrence in the desire of the French Government to put an end to any abuses which may have arisen in connection with the protection of Moorish natives by foreign Governments. They are happy to think that His Majesty's representatives at Tangier have always conformed strictly to existing usages, and that they have exercised the greatest restraint in submitting to the Makhzen lists of natives to whom it was desired to extend British protection.

4. Marshal Lyautey's communication raises four specific points:—

(*a.*) The grant of semsar certificates to persons not actually employed by foreign merchants.
(*b.*) The right to hold semsars of firms not engaged in *both* export and import trade.
(*c.*) The number of semsars to which a foreign firm is entitled.
(*d.*) The right to hold semsars of non-resident firms.

(*a.*) The relevant clause of the Franco-Moorish Agreement of 1863 lays down that the second category of protected persons consists of brokers and agents *employed* by merchants in their commercial transactions. On a strict interpretation this definition

* See Nos. 51 and 62, Part 50.
† Not printed.
‡ See No. 51, Part 50.

may be held to exclude the clients and customers of foreign firms, but such an interpretation has never before been insisted upon, and for nearly sixty years all the Powers enjoying capitulatory rights have made a practice of granting semsar certificates to persons who were in effect only clients of foreign firms. His Majesty's Government are most unwilling to abandon a practice of such long standing and proved utility, but as evidence of their desire to avoid any semblance of abuse of the system of protection, they would be ready to concur in the strict interpretation of the clause in question, provided that all the other Powers, including the Spanish and French Governments themselves, agree to do likewise and that this rule is made to apply throughout Morocco, including the Tangier zone.

(*b.*) The contention that the right to semsars is limited to firms engaged in *both* export and import trade is based by the French High Commissioner on the ground that article 8 of the agreement of 1863 runs as follows:—

" . . . . celui qui fait en gros le commerce d'importation *et* d'exportation."

It is by no means certain that the text quoted by Marshal Lyautey is correct. It is true that it corresponds with the text given on p. 339 of M. Rouard de Card's "Traités de la France avec les Pays de l'Afrique du Nord," Paris, 1906; and in a foot-note M. de Card states that he has reproduced the text published in the Livre jaune, 1880, "Question de la Protection diplomatique et consulaire au Maroc," p. 67. His Majesty's Government have, however, been unable to find the agreement either on p. 67 or elsewhere in the Livre jaune in question. On the other hand, it does not correspond with any other French texts in the possession of the Foreign Office. "Celui qui fait en gros le commerce d'importation *ou* d'exportation" is the reading given in the "Documents diplomatiques," p. 141, published officially by the Spanish Government (Madrid, Imprenta Nacional, 1880) in connection with the conference held in that year at Madrid; in M. Rey's "La Protection diplomatique et consulaire, avec des documents inédits tirés des archives du Ministère des Affaires étrangères," Paris, 1899, p. 515; in M. Louis Renault's "Archives diplomatiques," volume xiv, p. 158; and lastly in a copy of the agreement given to Sir J. Drummond-Hay by his French colleague at Tangier and sent home by the former in 1880. As the Marshal observes, the Franco-Moorish Agreement of 1863 was "confirmé par l'article 10 de la Convention de Madrid." It is only reasonable therefore to suppose that the text published by the Spanish Government in the "Documents diplomatiques" was that communicated to them officially by the French Government.

If "ou" be the correct reading, the contention of Marshal Lyautey falls automatically to the ground. In any case, however, His Majesty's Government could hardly admit that a practice which has been followed for so many years by all the Powers, including the French Government themselves, and invariably accepted by the Mahkzen, should now be questioned on the strength of a disputed reading of the text of the 1863 agreement.

(*c.*) The relevant clause of the 1863 agreement is as follows:—

"Le nombre des courtiers indigènes jouissant de la protection française est limité à deux par maison de commerce."

His Majesty's Government are altogether unable to follow the reasoning which leads Marshal Lyautey to interpret the above clause to mean that all foreign firms are not entitled to two semsars and that it is open to the Makhzen to refuse the grant of a second semsar certificate. It appears to His Majesty's Government to be beyond all doubt that the object which the negotiators of the 1863 agreement had in mind was not to prevent some firms from having as many as two semsars, but to ensure that no firm had more than two. Marshal Lyautey is under a complete misapprehension in citing Sir H. White's memorandum of the 12th November, 1914, in support of his contention. Sir H. White has left it on formal record that the notification to the Mahkzen, in cases where a firm desired to have a second semsar, of the fact that that firm already held one semsar was intended solely to show that the right of the firm in question to hold semsars had been previously recognised by the Makhzen. His Majesty's Government regret that they are consequently unable to accept Marshal Lyautey's interpretation of the clause in question, and that they must maintain the right of British firms to hold two semsars.

(*d.*) The right of non-resident foreign firms to hold semsars is an old-standing question, and His Majesty's Government remain ready to adhere to the position which they adopted in 1913. This position is set forth in the following quotations from notes

which Lord Grey had the honour to address to M. Cambon on the 1st April and the 30th June, 1913:—

"There are, however, two points in this connection to which I venture to draw your Excellency's attention. The first of these refers to the long-established practice of issuing semsar certificates to firms non-resident in Morocco. His Majesty's Government are aware that the legality of this practice has at various times been questioned, but they remain of opinion that it is entirely consonant with the spirit of the Madrid Convention; and as it has the force of thirty years' usage by all the foreign Legations at Tangier in its support, His Majesty's Government assume that the Shereefian Government do not now propose to upset the system under which legitimate commercial undertakings of foreigners in Morocco, as secured by treaties, have been maintained.

"The issue of semsar certificates to non-resident firms was, as a matter of fact, only authorised by His Majesty's Government in 1883, when His Majesty's Minister at Tangier reported that the French Legation was granting such certificates to firms in France. Since that date the practice has been continued by His Majesty's Legation, but it has invariably been their strict rule to issue certificates only to firms doing a large business in Morocco, and to limit their number to two in each instance, except so far as firms having not merely agents but branch establishments at more than one port are concerned; in which case two semsars have been allowed for each such establishment. His Majesty's Government have reason to believe that this procedure is considerably stricter than that applied by several other Legations when granting semsar certificates.

"I need hardly assure your Excellency that His Majesty's Government are anxious to meet the wishes of the French Government in every way compatible with a due regard to British interests. His Majesty's Government are accordingly ready, as a mark of their goodwill, to assent to the French proposal that no fresh semsar certificates shall be issued to British non-resident firms after a given date, provided that all the other Powers signatory to the Algeciras Act agree to adopt a similar procedure in regard to their nationals."

His Majesty's Government are ready to abide by this offer, and they trust that the French Government will recognise the spirit of goodwill and conciliation which inspires it.

5. In conclusion, His Majesty's Government would be glad to learn whether the authorities of the French protectorate in Morocco intend to subject to a close scrutiny the whole system of the grant of foreign protection to natives of the Tangier zone. They have reason to believe that no foreign Government except themselves make any effort to observe the terms of the Madrid Convention, and that natives of Tangier are actually being urged to apply for and accept foreign protection, quite irrespective of their right thereto under the convention. It seems altogether illogical to insist on a strict interpretation of the agreement of 1863 and the Convention of Madrid in the French zone and to allow the provisions of those instruments to be flouted and disregarded at Tangier. His Majesty's Government can hardly be expected to abandon rights they have exercised for many years unless similar restrictions are imposed on all the Powers without distinction throughout the whole of Morocco.

Foreign Office, December 20, 1921.

(b.) The Capitulations.

[**E 3255/1/16**] No. 82.

The Marquess Curzon of Kedleston to Lord Hardinge (*Paris*).

(No. 934.)

My Lord, *Foreign Office, April* 1, 1922.

THE French note of the 22nd ultimo which accompanied your despatch No. 742 of the 23rd March on the subject of the termination of the British protectorate over Egypt has occasioned me some surprise, as it leads me to believe that the French Government are under the impression that the British declaration to Egypt, communicated by the High Commissioner to the Sultan on the 25th February, connoted the abolition of the Capitulations.

2. This, of course, is not the case. If and when the Capitulations in Egypt are abolished His Majesty's Government would be bound to agree to their abolition in the French zone in Morocco. In the meantime, the French Government are not asked to acquiesce in any change in the position of France with regard to Egypt which would warrant a request on their part that His Majesty's Government, by way of return, should support the French pretensions in the case of Tangier.

3. It is important that this should be made clear, and your Excellency should accordingly acknowledge the receipt of the French note, and state that His Majesty's Government have taken note of the recognition by the French Government of the termination of the protectorate. You should at the same time point out that His Majesty's Government remain ready, if and when the Capitulations in Egypt are abolished, to acquiesce in their abolition in the French zone of Morocco. It would be well to add that His Majesty's Government do not understand the allusion to Tangier which occurs at the end of M. Poincaré's note. The French Government are fully cognisant of the views of His Majesty's Government on this question, which is now under discussion between them, and His Majesty's Government cannot admit that it has any connection with the question of the Capitulations.

I am, &c.
CURZON OF KEDLESTON.

[W 3021/3021/28] No. 83.

The British Merchants' Morocco Association to Foreign Office—(*Received April* 6.)

17, *Leadenhall Street, London, April* 5, 1922.

Sir,

WITH reference to your letter of the 1st September, 1920, I am directed by the council of this association to enquire whether, in the opinion of His Majesty's Government, the recent decision to terminate the protectorate over Egypt by a unilateral declaration does not create an entirely fresh situation as regards the negotiations for a mutual surrender of capitulatory rights in Morocco and Egypt mentioned in the said letter of the 1st September, 1920.

Under the old conditions, in order to place Egypt on an entirely free and self-governing basis, Great Britain would have been under the necessity of calling upon France to surrender her capitulatory rights in Egypt, and presumably France would only have consented to do so on receiving, as consideration, a similar surrender of British capitulatory rights in Morocco.

Under the new régime in Egypt, having abandoned her rôle as protector, Great Britain presumably has no *locus* to ask for, nor any object in obtaining, the surrender of the French capitulatory rights in Egypt, since it is presumed that Egypt will now be in a position to negotiate direct with France for the surrender of such Capitulations as she may wish to have abolished—in fact, it would appear that the circumstances contemplated in article 1 of the secret articles of the Declaration of London of the 5th April, 1904, have arisen, and that, therefore, the only provisions now binding are articles Nos. 4, 6 and 7 of the main declaration of that date.

It has been said that Great Britain is morally, if not specifically, bound to consent to the abolition of the Capitulations in Morocco, and the council would be glad to know if such obligation is set out in any treaty or declaration other than that of the 5th April, 1904, mentioned above, or implied in consequence of the negotiations with the French Government mentioned in your letter of the 1st September, 1920, and whether the new conditions which have arisen in Egypt do not release Great Britain from obligations which she might have regarded morally as binding had there not been a radical change in her status in respect of Egypt.

I have, &c.
JN. B. MILNE, *Secretary.*

[W 3021/3021/28] No. 84.

Foreign Office to British Merchants' Morocco Association.

Foreign Office, April 28, 1922.

Sir,

I AM directed by the Marquess Curzon of Kedleston to acknowledge the receipt of your letter of the 5th instant, enquiring whether His Majesty's Government are bound by any treaty other than that of the 5th April, 1904, to abolish the Capitulations

in Morocco, and whether the recent decision to terminate the protectorate in Egypt does not create an entirely fresh situation as regards the negotiations between the French and British Governments for the mutual surrender of their capitulatory rights in Egypt or Morocco.

2. His Majesty's Government are bound in this respect by no treaty other than that of 1904. That treaty, however, was concluded many years before the existence of the protectorate, with which it has no connection. The obligation contracted under it was not affected by the subsequent declaration of the protectorate, and s, therefore, similarly not affected by its termination.

3. Whilst far from indifferent to the considerations which have prompted your enquiry, the Secretary of State regrets that the circumstances above described render it impossible to regard His Majesty's Government as released from their engagement. He considers, however, that the Chamber's anxiety is, to say the least, premature. The declaration as regards Egypt in no way implies the abolition of the Capitulations; on the contrary, by making her independent, it renders their removal an Egyptian rather than a British interest, and it is unlikely that Egypt, at all events for many years to come, will be in a position to rid herself of the Capitulations without the approval and active assistance of His Majesty's Government.

4. If at a later date His Majesty's Government find it necessary, for any reason, to consider the surrender of their capitulatory rights in Morocco, the Chamber may rest assured that due regard will be paid to the important British commercial interests in that country.

I am, &c.
R. H. CAMPBELL.

[W 4611/197/28] No. 85.

Lord Hardinge to the Earl of Balfour.—(*Received June* 6.)

(No. 1318.)

My Lord,

Paris, June 2, 1922

I HAVE the honour to enclose herein copy of a note from M. Poincaré in reply to the one which I addressed to him on the 5th April last, taking note of the recognition by the French Government of the termination of the British protectorate over Egypt, pointing out that His Majesty's Government are ready to consent to the abolition of the Capitulations in the French zone of Morocco if and when they are abolished in Egypt, and stating, finally, that His Majesty's Government cannot admit that the question of Tangier is in any way connected with that of the Capitulations.

M. Poincaré's present note makes it abundantly clear that the French Government are determined to raise difficulties in Egypt, both in respect to the control of the Suez Canal and its ports and to the privileged position of French subjects, in order to extract from us concessions which will fortify their position in Morocco.

I am not aware what is the precise attitude which His Majesty's Government are prepared to adopt as regards the protection of the Canal, but I apprehend that your Lordship will be unable to agree with the extraordinary suggestion now made by M. Poincaré that British capitulatory rights in the French zone of Morocco should be abolished as the result of the simple institution under French auspices of a reformed jurisdiction in Morocco to which the consent of His Majesty's Government is supposed to have been already granted in principle by their adhesion to the conventions of 1911 and 1914. You will doubtless submit this proposition to detailed examination, but it seems to me at first sight to be untenable. I do not understand the allusion, in a further paragraph of M. Poincaré's note, to claims on our gratitude in return for compliance with administrative measures passed by the Egyptian Government during the period of the protectorate.

I anticipate that His Majesty's Government will adhere to their resolution to treat the question of Tangier separately from any Egyptian issues by the raising of which the French are now desirous of obtaining better terms in Morocco. The result must be to protract the Tangier negotiations; but I am of opinion that the French Government are now more anxious than they were a short time ago for a settlement which will remove outstanding differences between the two countries.

I have, &c.
HARDINGE OF PENSHURST

Enclosure in No. 85.

M. Poincaré to Lord Hardinge.

Ministère des Affaires Étrangères,
Paris, le 30 mai 1922.

M. l'Ambassadeur,

PAR sa lettre du 5 avril dernier, votre Excellence a bien voulu me faire savoir que le Gouvernement de Sa Majesté avait pris acte de la reconnaissance par le Gouvernement de la République de la fin mise au protectorat britannique sur l'Égypte. Votre Excellence ajoutait que le Gouvernement de Sa Majesté demeurait disposé, quand les Capitulations seraient abolies en Égypte, à abolir les Capitulations anglaises dans la zone française du Maroc. Toutefois, le Gouvernement britannique ne comprenait pas l'allusion faite dans ma lettre du 22 mars dernier à la question, les vues du Gouvernement du Roi à ce sujet étant bien connues au Gouvernement de la République dans une question qui est actuellement en discussion entre les deux Gouvernements et qui, dans l'opinion du Foreign Office, n'a aucun rapport avec la question des Capitulations.

J'ai l'honneur de porter à la connaissance de votre Excellence que le Gouvernement de la République ne saurait admettre que l'extinction des Capitulations britanniques dans la zone française du Maroc soit subordonnée à celle des Capitulations françaises en Égypte. Aux termes de l'Accord franco-allemand du 4 novembre 1911 (article 9, alinéa 2) relatif au Maroc, auquel le Gouvernement britannique a donné son adhésion, "un régime judiciaire inspiré des règles générales de législation des Puissances intéressées" doit remplacer, après entente avec elles, les tribunaux consulaires. Ce régime judiciaire a été créé ; il fonctionne à la satisfaction de tous ; le Gouvernement britannique ne saurait donc, dans l'esprit du Gouvernement de la République, retarder le moment de son acceptation des tribunaux français du protectorat marocain jusqu'à l'extinction du régime judiciaire issu des Capitulations en Égypte. Une décision de ce genre ne serait pas conforme à l'engagement pris en adhérant à l'accord du 4 novembre 1911, adhésion confirmée en décembre 1914, par la reconnaissance par la Grande-Bretagne du protectorat français au Maroc.

Le Gouvernement de la République s'est prêté à toutes les mesures demandées en Égypte par le Gouvernement britannique pendant la période où il exerçait son protectorat sur le pays. Il continuera dans le même esprit à examiner les propositions que lui adressera le Foreign Office à l'occasion de l'établissement du régime nouveaus Il estime qu'il est fondé à revendiquer en retour la même adhésion aux mesures qu'il prend au Maroc dans l'exercice des droits que lui confère le protectorat.

Les accords de 1904 se rétéraient à la fois à l'Égypte et au Maroc, au Détroit de Gibraltar et au Canal de Suez. La question des grandes voies de communication se pose donc ainsi aux deux extrémités de la Méditerranée, et le Gouvernement de la République est disposé à examiner dans l'esprit le plus amical les propositions que lui adresserait le Gouvernement de Sa Majesté en ce qui concerne l'application de la Convention de Constantinople du 29 octobre 1888, de même qu'il ne doute pas que le Gouvernement de Sa Majesté n'examine dans un même esprit amical les droits et intérêts du Sultan du Maroc, protégé de la France, sur la rive méridionale du Détroit de Gibraltar. La question de Tanger a fait en dernier lieu l'objet de la note que j'ai eu l'honneur d'adresser à votre Excellence le 26 de ce mois et à laquelle je ne puis que me référer.

Veuillez agréer, &c.
POINCARÉ.

[**W 4611/197/28**] No. 86.

The Earl of Balfour to Sir M. Cheetham (Paris).

(No. 1896.)

Sir, *Foreign Office, June 22*, 1922.

WITH reference to Lord Hardinge's despatch No. 1318 of the 2nd instant, I request that you will communicate the enclosed memorandum to the French Government in reply to their note of the 30th ultimo on the subject of British and French capitulatory rights in Morocco and Egypt respectively.

I am, &c.
BALFOUR.

Enclosure in No. 86.

Memorandum.

HIS Majesty's Government have given most careful consideration to M. Poincaré's note of the 30th May last, in which it is contended that, in view of the introduction in the French Protectorate of Morocco of the judicial system contemplated by article 9 of the Franco-German Convention of 1911, to which His Majesty's Government have acceded, the latter are bound to agree to the abolition of their capitulatory rights in Morocco, irrespective of the abandonment by the French Government of their similar rights in Egypt.

2. His Majesty's Government cannot accept this contention. Article 9 of the Franco-German Convention is not an agreement for the suppression of the Capitulations ; it provides a means of dealing with claims by foreigners against the Moorish authorities during the period before the establishment of the new judicial system. The wording of article 9 clearly contemplates that the replacement of the consular courts by the new system can only be effected by agreement with the Powers concerned ; and this view is supported by the terms of the notes exchanged on the 4th November, 1911, between the French and German Governments. It is material to observe that, although the judicial system in question was introduced some time before the war, the German Government did not abandon their capitulatory rights until compelled to do so by the Treaty of Versailles.

3. As between France and Great Britain the question of Capitulations in Egypt and Morocco is, in the opinion of His Majesty's Government, already regulated by article 2 of the Anglo-French Declaration of 1904, in which His Majesty's Government agreed to "entertain proposals" for the abolition of Capitulations in Morocco on condition that the French Government would do the same in Egypt. The French contention appears to be that the British accession to the 1911 convention substituted the introduction of the new judicial system in Morocco for the abolition of Capitulations in Egypt as the date on which His Majesty's Government were pledged to abandon their rights. This view His Majesty's Government cannot accept. In the first place, it is entirely inconsistent with the prolonged negotiations which have taken place with the French Government since the armistice for the mutual surrender of capitulatory rights in the two countries ; and in the second place, the convention of 1911 cannot be, and never previously has been, regarded as superseding the Anglo-French Declaration of 1904. The condition laid down in article 2 of the latter still holds good, and article 9 of the 1911 convention must be treated as subordinate thereto.

4. His Majesty's Government have no doubt that the French Government will upon consideration admit the justice of the arguments developed in the preceding paragraph. But these arguments, however conclusive, do not show the whole strength of the British case. They proceed on the French assumption that British accession to the convention of 1911 was unconditional. It is, however, permissible to point out that this assumption does not represent the facts. The British accession was explicitly declared to be conditional on the town and district of Tangier being placed under international control—a condition which, as the French Government are well aware, has not yet been fulfilled.

5. Apart from the above considerations, there are other aspects of the question to which His Majesty's Government may well call attention.

6. Some time after the accession of His Majesty's Government to the Franco-German Convention of 1911, negotiations were opened between the two Governments for the reciprocal closing of the French consular court in Egypt and the British consular court in Morocco. These negotiations were of a protracted character, and the convention was not ready for signature till 1919. At that moment the French Government intimated for the first time that they were not prepared to sign it unless satisfaction was accorded to them in connection with Tangier.

7. Matters remained in that position until 1920, when the question was discussed at the San Remo meeting of the Supreme Council, and M. Millerand was understood by the British representatives to agree to the signature of the draft convention without further delay. A member of the staff of the Foreign Office was accordingly sent to Paris to arrange the modifications in the language of the convention which the lapse of a year had necessitated. On his arrival at the Quai d'Orsay he was merely informed that the French Government had no intention of signing the convention, and he was therefore obliged to return to London.

8. Since that date the French Government have issued a nationality decree in Morocco which is quite inconsistent with the provisions of the draft convention. The present position therefore is that the British consular court remains in existence in Morocco because the French Government have twice refused to sign the convention providing for its closure; and they have now thrown a fresh obstacle in the way of signature of the convention by maintaining a decree which, in the opinion of His Majesty's Government, interferes with the undoubted rights of British citizens.

9. His Majesty's Government are somewhat perplexed by the reference to the Suez Canal and the Straits of Gibraltar in the concluding paragraph of M. Poincaré's note, since they are not aware that any question has arisen in regard to the great waterway at the two extremities of the Mediterranean. They do not contemplate addressing to the French Government any proposals in regard to the application of the Constantinople Convention of 1888, but they will, of course, be happy to examine in the most friendly spirit the rights and interests of the Sultan of Morocco on the southern shores of the Straits of Gibraltar in accordance with existing treaties and other engagements and understandings.

Foreign Office, June 22, 1922.

(c.) The Grant of an Exequatur to His Majesty's Agent and Consul-General at Tangier.

[**W 834/170/28**] No. 87.

Lord Hardinge to the Marquess Curzon of Kedleston.—(*Received January* 26.)

(No. 231.)

My Lord, *Paris, January* 24, 1922.

WITH reference to my despatch No. 3396, transmitting copy of a note dated the 5th December from the Quai d'Orsay on the subject of Mr. Robertson's appointment as His Majesty's agent and consul-general for the dominions of His Imperial Majesty the Sultan of Morocco, I have the honour to enclose copy of a further note from the French Government referring to that appointment.

This communication is concerned with Mr. Robertson's nomination as consul-general "for the French Protectorate of Morocco," this being the designation employed in Mr. Clark Kerr's letter to the Resident-General (of which the French Government have sent me a copy) and presumably also in the commission itself. It is desired to replace the above language by the terms "consul général de Sa Majesté britannique pour la zone française de l'Empire chérifien et pour la zone de Tanger."

I beg to refer to my despatch No. 190 of the 20th January last commenting on the suggestion by the French Government of a change of description in the case of M. Rabino, and to request that your Lordship will also favour me with instructions as to the reply I should make respecting Mr. Robertson's title.

I have, &c.

HARDINGE OF PENSHURST.

Enclosure 1 in No. 87.

Note communicated by French Ministry for Foreign Affairs.

PAR une note en date du 5 décembre dernier, le Ministère des Affaires étrangères a eu l'honneur de faire savoir à l'Ambassade de Sa Majesté britannique que, dans un esprit de simplification et en vue de donner satisfaction au désir exprimé par le Foreign Office, il n'avait pas d'objection à ce que la demande d'exequatur de Mr. Robertson, consul général de Grande-Bretagne à Tanger, soit adressée à Sa Majesté le Sultan du Maroc par l'entremise du Résident général de la République française à Rabat, Ministre des Affaires étrangères de Sa Majesté chérifienne.

De son côté, l'agence diplomatique de Grande-Bretagne à Tanger, en transmettant au Maréchal Lyautey les lettres de Mr. Robertson comme agent diplomatique, a demandé au Résident général de France à Rabat s'il donnait son assentiment à l'adoption de cette procédure en ce qui concernait l'exequatur de la commission consulaire de cet agent.

L'Ambassade de Sa Majesté britannique trouvera ci-joint la copie de la lettre de Mr. Clark Kerr, en date du 6 décembre.

Le Ministère des Affaires étrangères croit devoir attirer l'attention de l'Ambassade sur les termes employés par l'Agence britannique à propos de la commission consulaire de Mr. Robertson. Cet agent serait, en effet, désigné en qualité de consul général pour le "protectorat français au Maroc." Ce libellé, bien que rigoureusement conforme aux dispositions des traités d'après lesquelles le protectorat de la république s'étend sur le Maroc tout entier, serait en contradiction avec les termes de la délégation que Sa Majesté chérifienne a consentie à son khalifa de la zone espagnole pour lui permettre de viser les commissions consulaires des consuls étrangers nommés dans cette partie de l'Empire chérifien. Il semble, en conséquence, que la rédaction qu'il conviendrait d'employer pour Mr. Robertson devrait être celle de "consul général de Sa Majesté britannique pour la zone française de l'Empire chérifien et pour la zone de Tanger." seule formule en rapport avec les dispositions en vigueur. Le Ministère des Affaires étrangères serait très obligé à l'Ambassade de Sa Majesté britannique de vouloir bien la signaler au Principal Secrétaire d'État des Affaires étrangères en le priant, s'il n'y a pas d'objections, de faire modifier dans ce sens la lettre que Mr. Robertson a adressée à M. le Maréchal Lyautey.

Il conviendrait également, si Mr. Robertson doit exercer les fonctions de consul général d'Angleterre dans la zone espagnole de l'Empire chérifien, qu'une commission consulaire spéciale lui fût délivrée à cet effet et fût transmise aux fins d'exequatur au Haut-Commissaire espagnol à Tétouan.

Paris, le 24 *janvier* 1922.

Enclosure 2 in No. 87.

Mr. Clark Kerr to the Resident-General.

M. le Résident général, *Tangier, December* 6, 1921.

I HAVE the honour, under instructions received from His Majesty's Principal Secretary of State for Foreign Affairs, to inform your Excellency that His Majesty the King has been pleased to appoint Mr. Malcolm Arnold Robertson, a Companion of the Most Distinguished Order of Saint George and Saint Michael, to be his diplomatic agent for the dominions of His Imperial Majesty the Sultan of Morocco.

I have the honour to transmit to you herewith a Letter of Credence, issued to Mr. Robertson and signed by the Marquess Curzon of Kedleston, and to request that you will deliver it to His Imperial Majesty the Sultan. A copy of this letter is enclosed herein.

His Majesty, my Sovereign, has also been pleased to appoint Mr. Robertson to be his consul-general for the French Protectorate of Morocco, and application would, in accordance with established custom, be made to the French Government by His Majesty's Ambassador at Paris for an exequatur on his behalf. In the present instance, however, it would be more convenient if your Excellency could obtain the exequatur for Mr. Robertson, and the French Government are being informed that a request to that effect is being addressed to you.

I avail, &c.

CLARK KERR.

[**W 834/170/28**] No. 88.

The Marquess Curzon of Kedleston to Mr. Robertson (Tangier).

(No. 47.)

Sir, *Foreign Office, February* 7, 1922.

WITH reference to my despatch No. 310 of the 15th November last, I transmit copy of a despatch* and enclosures from His Majesty's Ambassador in Paris on the subject of your appointment as His Majesty's consul-general for the dominions of the Sultan of Morocco.

2. In my above-mentioned despatch I instructed Mr. Clark Kerr to request the French High Commissioner at Rabat to take the necessary steps to obtain an exequatur for your appointment as "His Majesty's consul-general in the French zone of Morocco." You will see from the sub-enclosure to Lord Hardinge's despatch that Mr. Clark Kerr

* See No. 87.

did not carry out these instructions precisely, but stated in his note to Marshal Lyautey that you had been appointed "consul-general for the French protectorate of Morocco." The French Government, for reasons explained in their note, object to this designation, and suggest that it should be replaced by the formula, "His Britannic Majesty's consul-general for the French zone of the Shereefian Empire and for the zone of Tangier."

3. You will be aware from my despatch No. 310 and enclosures therein that I intended not to ask for an exequatur in regard to the Tangier zone, in the hope that this point would not be raised at all. Mr. Clark Kerr's failure to carry out my instructions precisely has frustated this hope. If and when the international régime is established for the Tangier zone, it will then be possible to apply to the Sultan through the Moorish Khalifa at Tangier for an exequatur covering your consular appointment in that zone. Meanwhile I consider that it would be only prejudicing the settlement if application for an exequatur for the Tangier zone were made through the French authorities at Rabat, and I propose, therefore, to adhere to my original intention.

4 It seems to me that the best procedure now will be for you to withdraw Mr. Clark Kerr's note of the 6th December last to the High Commissioner and to substitute for it a fresh letter requesting that an exequatur may be obtained for your appointment as "His Majesty's consul-general for the French zone of the Shereefian Empire," no mention being made in the new note of the Tangier zone.

I am, &c.
CURZON OF KEDLESTON.

[W 834/170/28] No. 89.

The Marquess Curzon of Kedleston to Lord Hardinge (Paris).

(No. 370.)
My Lord, *Foreign Office, February 7, 1922.*

WITH reference to your despatch No. 231 of the 24th ultimo, I transmit herewith a copy of a despatch* which I am addressing to His Majesty's agent and consul-general at Tangier on the subject of his appointment as His Majesty's consul-general for the dominions of the Sultan of Morocco.

2. I request that your Excellency will inform the French Government that Mr. Robertson has been instructed to withdraw Mr. Kerr's note of the 6th December to the French High Commissioner and to substitute for it a note requesting that the Sultan's exequatur may be obtained for his appointment as "His Majesty's consul-general for the French zone of the Shereefian Empire."

I am, &c.
CURZON OF KEDLESTON.

[W 3104/170/28] No. 90.

Mr. Robertson to the Marquess Curzon of Kedleston.—(Received April 10.)

(No. 133.)
My Lord, *Tangier, March 31, 1922.*

I HAVE the honour to transmit to your Lordship herewith a copy of a note which I have received from the Residency-General, informing me that His Majesty's Government has decided to modify the terms of my commission as His Majesty's consul-general for Morocco. The commission itself is also enclosed herein.†

I had understood from your Lordship's despatch No. 370 of the 7th February to Lord Hardinge that all that I was required to do was to withdraw Mr. Clark Kerr's note of the 6th December to the Resident-General, and to substitute for it a note requesting that the Sultan's exequatur might be obtained for my appointment as "His Majesty's consul-general for the French zone of the Shereefian Empire." In acknowledging the note from the Residency-General, I therefore pointed out that I was not aware of the decision to which M. Blanc referred, but that I had transmitted a copy of the note, together with my commission, to your Lordship's Department.

I have, &c.
ARNOLD ROBERTSON.

---

* See No. 88.

† Not printed.

Enclosure in No. 90.

French Resident-General to Mr. Robertson.

M. l'Agent diplomatique, *Rabat, le 17 mars 1922.*

LE Président du Conseil, Ministre des Affaires étrangères, vient de me faire connaître qu'à la suite d'un échange de notes entre son Département et l'Ambassade de Sa Majesté britannique à Paris, le Gouvernement de Sa Majesté a décidé de modifier le libellé de la commission qui devait vous charger du consulat général de Grande-Bretagne à Tanger et que vous avez bien voulu m'adresser à la date du 7 janvier dernier.

Pour me conformer aux instructions de M. Poincaré, j'ai l'honneur de vous restituer, sous ce pli, le document en question.

Veuillez agréer, &c.
URBAIN BLANC.

[W 3104/170/28] No. 91.

The Marquess Curzon of Kedleston to Mr. Robertson (Tangier).

(No. 168.)
Sir, *Foreign Office, April 26, 1922.*

I HAVE received your despatch No. 133 of the 31st ultimo, transmitting a copy of a note from the French Residency-General, in which it is stated that His Majesty's Government, as the result of an exchange of notes with the French Government, have decided to modify the terms of your commission as His Majesty's consul-general for Morocco. This statement is not correct.

2. Under the terms of the commission you are appointed His Majesty's consul-general for the dominions of the Sultan of Morocco. These fall, for the purpose of foreign relations, under three heads: the French zone, the Spanish zone and the international zone of Tangier. The course which at the time of your appointment it was decided to follow was to apply for your exequatur in the French zone through the French Resident-General: for your provisional recognition in the Spanish zone through the Spanish High Commissioner; and to refrain from any mention of the Tangier zone owing to the difficulties to which this might give rise.

3. Unless separate commissions are to be issued to you for the several zones—a course which is not prescribed by any rule of international law or usage—your commission must cover the whole of the Shereefian Empire. When, therefore, Mr. Clark Kerr erroneously applied to the protectorate authorities for your exequatur "in the French protectorate of Morocco" and the French Government took exception to that description, it was unnecessary to do more than instruct Mr. Clark Kerr to withdraw his letter and substitute another applying for an exequatur for the "French zone of the Shereefian Empire." The French Government were informed accordingly, and acknowledged receipt of the communication. No mention was made of the commission, nor did it occur to me that the French authorities would be under the impression that it required modification.

4. I request that you will inform Marshal Lyautey of the position, explaining that your commission covers the whole of the Sultan's dominions, and that you have been instructed, after obtaining the exequatur for the French zone, to forward the commission to the Spanish High Commissioner at Tetuan for your provisional recognition in the Spanish zone.

5. The reasons, as explained in my despatch No. 47 of the 7th February last, for making no mention of the Tangier zone still, of course, hold good, and it is desirable to avoid discussion of that point if possible. The French Government raised it in their note of the 24th January last, but did not recur to it when it was suppressed in the instructions which they were informed had been sent to you on receipt of that note.

6. Your commission is returned herewith.

I am, &c.
CURZON OF KEDLESTON.

Chapter III.—The Spanish Zone.

(a.) Claims of British Subjects and Protected Persons.

[**W 13419/353/28**] No. 92.

The Marquess Curzon of Kedleston to Sir E. Howard (Madrid).

(No. 2.)
(Telegraphic.) R. *Foreign Office, January 2, 1922.*

YOUR telegram No. 257.

Please see my despatch No. 660, now on its way to you.

Spanish proposal to treat claims in three different ways involves still more delay, which is perhaps Spanish intention. As regards second category, inevitable divergence between Spanish and claimants' experts will be so great as to render compromise impossible. If Spanish Government have in mind procedure laid down in articles 116 and 117 of Algeciras Act, we consider this cumbrous and we should infinitely prefer one arbitration to cover all claims of every kind.

We cannot admit that payment of commission claims would be an act of grace, and fact of Spanish Government having appointed a commission to deal therewith seems to imply that they admit liability.

Please do your utmost to secure an arrangement on lines indicated in my above-mentioned despatch.

[**W 291/291/28**] No. 93.

Sir E. Howard to the Marquess Curzon of Kedleston.—(*Received January 10.*)

(No. 21.)
My Lord, *Madrid, January 7, 1922.*

I HAVE the honour to acknowledge the receipt of your despatch No. 660 of the 28th ultimo respecting arbitration of British claims in the Spanish zone in Morocco, and to forward herewith, with reference to my telegram No. 257 of the 30th ultimo, copy of translation of a memorandum which the Minister for Foreign Affairs has sent me, as he promised, embodying the Spanish suggestions on this subject.

Your Lordship will observe that, as outlined in his Excellency's verbal statement to me on the 29th ultimo, the Spanish Government desires to divide these claims into three classes:—

1. Occupation of land by military authorities for the erection of barracks or other permanent buildings, &c., by the Spanish army. The claims of Sid Abd-el-Kader-er-Rzini are specifically mentioned as being the most important example of this group.
2. Permanent occupation of land for construction of railways, roads and other public works.
3. Damages done to property either in the course of military operations or by acts of rebels or bandits.

1. As regards the first of these, the Spanish Government suggests that they should be submitted to the British and Spanish representatives on the Paris Commission for Settlement of Mining Disputes, and that, if these do not agree, M. Beichmann, chairman of that commission, should be asked to act as arbitrator.

It certainly appears to me that the proposal put forward in your Lordship's despatch under reply, namely, that either the Danish, Dutch or Swiss member of the new Permanent Court of International Justice be asked to arbitrate at Tangier, and that British and Spanish cases should be put forward and argued by the British and Spanish agents respectively, is distinctly preferable to the suggestion of the Spanish Government, which, since the court would be in Paris, would entail considerable delays. On the other hand, your Lordship's proposal will be more costly, as the expenses of the arbitrator's journey to and from Tangier and of his stay in Tangier will have to be met. Unless, therefore, your Lordship sends me contrary instructions on receipt of this despatch, I would propose to put forward your Lordship's plan as a counter-suggestion to that contained in the enclosed memorandum. Before doing so, however, I should be glad to have such arguments as may occur to your Lordship for rejecting the Spanish project, to which I must evidently give a reply.

2. With regard to the second class of claims mentioned in the enclosed memorandum, the Minister for Foreign Affairs states that the Administration of the Spanish zone has been asked by the Minister for Foreign Affairs to fix a sum for compensation of the interested parties, after examination of their title to the land and valuation of the property; should this sum not be accepted by the claimants, "experts" should be asked to "intervene." It will be noticed that the above suggestion is very different even from that made to me by Señor González Hontoria on the 29th ultimo, and reported in my telegram above referred to, which was to the effect that these claims should be at once submitted to two experts, representing the Spanish Government and the claimants respectively, for valuation of the claims.

At the time I pointed out to his Excellency, as your Lordship has done in your telegram No. 2 of the 2nd instant, that the method he suggested would almost certainly not lead to agreement, and that settlement would thus be further delayed. I indicated that you would probably insist on some form of arbitral award which would give immediate satisfaction to claimants or, at least, decide the question one way or another.

The present proposal seems to me still less satisfactory than that made verbally by the Minister for Foreign Affairs on the 29th December, and I would suggest that, provided you agree, we should urge that claims No. 2 be submitted to the same arbitral court at Tangier as proposed in your despatch under reference. Although, as stated in your telegram No. 2 of the 2nd instant, the procedure for settlement of disputes in cases of expropriation laid down in articles 116–117 of the Act of Algeciras is certainly cumbrous and should be avoided, it appears to me that these articles give us a distinct right to claim arbitration in such cases, and might be referred to as strengthening our present demand for arbitration, though we would, at the same time, propose a less complicated procedure. I should be glad of your Lordship's views on this point.

3. As regards class 3, *i.e.*, claims arising out of damages to property from military operations or acts of rebels or bandits, Señor González Hontoria states that the Administration of the Spanish zone has also been asked to give, as shortly as possible, its views with reference to each claim, and to discuss these amicably with the British vice-consul at Tetuan. The Spanish Government consider that in the majority of these cases the Makhzen and, *à fortiori*, the Government of His Catholic Majesty are justified in declaring that they are not liable, and in stating at once that, if His Majesty's Government insist on claiming indemnities for those claimants to whom the Spanish authorities do not consider it possible to pay any compensation, or if His Majesty's Government do not consider sufficient such compensation as may be granted as an act of grace to any claimant, Spain and the Makhzen reserve the right, if recourse is had to arbitration, of maintaining their complete freedom from any liability. It may be noted that the Spanish Government do not reject *ab initio* the idea of arbitration for these claims, but simply say that if recourse is had to arbitration ("si se acude ante un arbitraje") they will argue that they are not responsible for these damages.

I have unfortunately not sufficient knowledge of international law to say to what extent the liability of Governments is generally admitted for damages caused during military operations or by acts of insurgents. But the general impression I have obtained from a cursory perusal of volume 6 of Moore's "Digest of International Law" and of Oppenheim, volume 1, on the subject of claims of this kind seems to support the view that the liability of a Government for acts committed by its soldiers, except when acting directly under superior orders, or for acts committed by insurgents or bandits, is still more or less open to question. Oppenheim, on page 264, particularly makes the following statement:—

"... Notably no obligation exists to indemnify .... those who establish themselves or sojourn in a country which offers no security on account of the presence of savage tribes, unless the Government of the country has given express assurance to immigrants."

Finally, it may not be without importance to consider how far arguments which we may advance in support of the judicial liability of the Spanish Government respecting class 3 of claims may not ultimately be used against us in such mandated territories as Palestine or Mesopotamia, not to mention Egypt and India. I may be wrong, but so far as I can recollect, His Majesty's Government strenuously opposed any suggestion of arbitration on foreign claims arising out of similar incidents during the last South African War.

Although the above considerations have no doubt occurred to your Lordship's Department, it seems advisable, for the sake of greater safety, not to press for arbitra-

tion on these cases until I hear again from your Lordship that you wish me to do so. If your Lordship desires me to press for arbitration on these cases, I should be grateful to be supplied with suitable precedents to back up my arguments.

I feel very diffident about making any suggestions in this matter, but, supposing that His Majesty's Government consider that it is after all not advisable to press for arbitration as regards claims of class 3, I would propose that we endeavour once more to obtain immediate submission of these claims to a Spanish commission, which a British representative might attend with a watching brief to report to us how matters were proceeding, while recognising that any payments made will be made by act of grace and not as by right. The Spanish Government would no doubt oppose a joint commission even more resolutely than arbitration, for obvious reasons.

To sum up, I suggest that I put in a counter-proposal to the Spanish Government that—

(*a.*) Claims of classes 1 and 2 be submitted to an arbitral court, as proposed by your Lordship.

(*b.*) That, if your Lordship considers that insistence on arbitration for class 3 claims may raise awkward precedents which might be used against us in the future, we agree to let these be dealt with as an act of grace, only insisting on their being immediately disposed of by a Spanish commission *ad hoc*, to which a British representative with a watching brief should be attached.

I have, &c.
ESME HOWARD.

Enclosure in No. 93.

(Confidential.)

Memorandum on proposed Arbitration of British Claims in the Spanish Zone.

(Translation.)

THE Minister for Foreign Affairs, in confirming in strict confidence what he had the honour to say to His Britannic Majesty's Ambassador in their recent conversation with regard to private persons' claims relating to Morocco, has pleasure in stating that His Majesty's Government is ready to give them an early settlement by arbitration as far as this may be compatible with the nature of the matter, or else by friendly discussion.

For this purpose it is well to remember that the said claims are divided into three categories :—

1. The occupation of lands for military construction or the permanent use of the army.

The most important of those made by Sid-Abd-el-Kader-er-Rzini belong chiefly to this group. The examination might be entrusted to the Secretary of Embassy and arbitrator on the Paris Commission for Settlement of Mining Disputes in Morocco (Señor Bárcenas) and to the British arbitrator on the same commission. If they did not reach an agreement they would be authorised to request the president of the said commission (Señor Beichmann), in the names of their respective Governments, to decide without appeal, after study of the documents which they might hand to him and of the verbal statements which they might make to him.

2. Permanent occupation of land for railway works, roads, &c.

The Administration of the protectorate has been asked by the Minister for Foreign Affairs to specify, by means of an analysis of the title-deeds held by the interested parties and a valuation of the lots occupied, if there is cause to recognise any sum of money in favour of those persons, and, if so, how much ; it [the Administration] has been asked to endeavour to reach a settlement with them as far as possible, and if this cannot be done it will be necessary to call in experts.

3. Damage caused to property through military operations or acts of rebels or bandits.

The Administration of the protectorate has also been asked to indicate as briefly as possible its point of view regarding each of the claims presented up to now, to inform the British vice-consul in Tetuan of such claim and to discuss it with him in a friendly way. The Minister for Foreign Affairs considers that in the majority of the cases the Makhzen, and therefore His Majesty's Government, are entitled to declare that they are not responsible, and therefore if the British Government insisted later on in asking for compensation for those claimants to whom it is not thought possible to grant any or to those for whom it might not think the amount which has already been

granted, merely as a favour, sufficient, Spain and the Makhzen reserve to themselves, if the matter is carried to arbitration, the right to maintain the full freedom from responsibility referred to above.

Ministry for Foreign Affairs, Madrid,
January 5, 1922.

[**W 291/291/28**] No. 94.

The Marquess Curzon of Kedleston to Sir E. Howard (Madrid).

(No. 47.)

Sir, *Foreign Office, January 25, 1922.*

I HAVE given careful consideration to your Excellency's despatch No. 21 of the 7th instant respecting arbitration of British claims in the Spanish zone of Morocco, and I remain, for the reasons stated in my telegram No. 2 of the 2nd instant, opposed to the Spanish proposal arbitrarily to divide the British claims into three categories and to deal with each category in a different manner.

2. I do not think there would be any gain, even from a financial point of view, in referring the first category of claims to the Mining Claims Commission in Paris. There can be no prospect of agreement between the British and Spanish members of that body, and this will involve a second hearing of the claims before M. Beichmann, the chairman of the commission. It will thus be necessary to pay three arbitrators instead of one. A still more cogent argument against the proposal is that no hearing of the claims can be satisfactory unless the claimants are allowed an opportunity to lay their contentions before the actual arbitrator, which will be impossible if the proceedings take place in Paris. Finally, it is doubtful whether M. Beichmann will be available, as I understand that it is proposed to invite him to act as arbitrator in some question which has arisen between the Reparation Commission and Germany in regard to article 260 of the Treaty of Versailles.

3. The Spanish proposal in regard to claims in the second category seems, and probably is, intentionally designed to postpone any settlement indefinitely. His Majesty's Government must insist on the reference of these claims to arbitration, and I agree with your suggestion of strengthening this demand by a reference to articles 116–117 of the Act of Algeciras.

4. The position in regard to the third category of claims is stated concisely and clearly on p. 207 of the Consular Instructions, 1907 : "Where claims are made for compensation for damage done by insurgents in armed insurrection against a Government which was unable to control them, claimants should be reminded that His Majesty's Government do not regard a Government as liable in such cases unless that Government were negligent and might have prevented the damage arising, or unless they pay compensation either to their own citizens or subjects or to other foreigners in similar cases, or unless the rebellion has been successful and the insurgent party has been installed in power."

5. It seems doubtful whether negligence on the part of the Spanish Government could be proved. On the other hand, the Spanish Government have, by the appointment of a commission, admitted their liability for claims up to the end of 1917 "arising out of the insurrection of the Kabilas and the repressive measures taken by the Spanish Protectorate since its establishment in this zone," and have, in fact, paid the claims of certain Spanish officials and protected persons. They would thus seem estopped from denying liability for similar claims subsequent to 1917.

6. There is another point to be borne in mind in connection with claims for compensation for damage arising out of the rebellion. Losses of the kind in question fall very hardly upon individuals, and if the Government of the State to which the individual belongs refuse to put forward a claim, it deprives the latter of all chance of recovering compensation. Even therefore if the Spanish Government succeed in establishing the fact that there was no negligence on their part, it is better that these schemes should be put forward and dismissed, as the claimants will in that event feel that at any rate His Majesty's Government have done all that was possible to help them. It is certainly preferable that the odium of depriving British claimants of any chance of compensation should fall on the Spanish Government rather than on His Majesty's Government.

7. I request that, in the light of the observations in paragraphs 2, 3 and 4 above, your Excellency will continue to press the Spanish Government to agree to the proposals made in my despatch No. 660.

I am, &c.
CURZON OF KEDLESTON.

[W 1638/291/28] No. 95.

Sir E. Howard to the Marquess Curzon of Kedleston.—(Received February 21.)

(No. 113.)
My Lord. *Madrid, February 16, 1922.*

WITH reference to my despatch No. 78 of the 3rd February, enclosing a note which I addressed on the 2nd instant to the Spanish Government, respecting the British Morocco claims, I have the honour to report that on the 11th instant I asked the Minister for Foreign Affairs whether he had consulted his colleagues with regard to this note and when I could expect a reply. He said he had not yet been able to do so, but promised a reply by the 17th if possible, so that I could forward it by the bag leaving on the 18th. He went on to say that, in suggesting the Spanish and British members of the Mines Commission in Paris as arbiters, he had believed they would quickly come to a decision, and would not need to be paid. If they did not, the matter could be referred to M. Beichmann (the president), to whom alone an honorarium would be due. This procedure would therefore be cheaper than sending a judge of the new permanent tribunal to Morocco.

I said His Majesty's Government objected to the Paris suggestion, not only on account of expense, but on account of the impossibility of an arbitrator's coming to a decision at such a distance from Morocco without incurring further long delays.

He then objected (and this is, I think, the Spanish Government's real objection to a judge of the Permanent International Tribunal) that the claims, with the exception of Er Rzini's, were really too insignificant to set in motion a judge of the permanent tribunal. His appearance on the scene would cause a great commotion in Morocco and the Spanish Government would be at once besieged with claims and demands of all kinds; besides which, it would have an undesirable effect on the prestige of the Spanish authorities in the eyes of the natives. I said the Spanish Government had themselves to blame for this. If they had accepted the suggestion I made a year and a half ago, of a mixed mission, the matter might have been settled in a few days without any commotion; now, however, the patience of His Majesty's Government was exhausted, and I had firm instructions to insist on an arbitration on the spot as being the quickest and surest means of a settlement. His Excellency said that since he had been in office he had done his best to hasten on matters, and had only lately instructed the Spanish representative on the Paris Mines Commission, Señor Barcenas, to go to Morocco and make a report on the whole question. He had been surprised to see from this report how few the claims were and how small many of them were also. Señor Barcenas had told him that many of the expropriations claims had not been settled simply because of the action of the British vice-consul at Tetuan, who, when sums suggested by the Spanish authorities had been forwarded to him, had simply returned them with a curt reply that they were not satisfactory, and had never attempted to reach a settlement. I said we had heard, on the contrary, from Mr. Atkinson that his letters were not answered, and that he was treated with scant courtesy. In any case, it was unnecessary to go over these old disputes again, and what was necessary was to find some immediate and practical method of settlement that would satisfy all parties.

Señor González Hontoria then suggested that, instead of sending a judge of the permanent tribunal, which would give the whole matter an undue importance and cause unnecessary expense, it might be possible to agree on a neutral who would go to Tetuan and act as appraiser of the damages, and whose verdict would be accepted by both sides. He thought that perhaps M. Beichmann's assistant, also a Norwegian and an engineer acquainted with Morocco, would be acceptable.

We had previously discussed the inclusion of claims in category No. 3 in the arbitration, as his Excellency had agreed to both Nos. 1 and 2 being subject to arbitration, but refused to have No. 3 made arbitrable at all, and would not even agree to the possibility of their being submitted to an arbitrator, even if the Spanish Government reserved their right to plead that they were not suitable for arbitration.

The idea of an expert, chosen by both parties, who should go ostensibly to make a report on the claims, not as arbitrator, but whose finding should be accepted by both as final, seemed to please him much more, and I gathered that he might be induced to let claims No. 3 be dealt with in this way also. I think he is genuinely anxious to settle the claims, most of which he described as a bagatelle, but most unwilling that the arbitration procedure should be invested with much pomp and ceremony. As soon as I receive the promised reply from the Minister for Foreign Affairs, I shall not fail to forward it to your Lordship. In the meantime, I should be glad to be informed whether you consider the suggestion put forward by Señor González Hontoria, that M. Beichmann's assistant should proceed to Tetuan and act really as arbitrator, though under the cover of being only an expert valuer, is one that you could consider favourably.

Looking at the matter from a purely practical point of view, and with the desire to reach a real settlement at the earliest possible date, it certainly seems to me that if we can persuade the Spanish Government to agree to the inclusion of the claims of their category No. 3 in an arrangement of this sort, it would be worth while not to insist on submitting the claims to a judge of the Permanent International Court, to which the Spanish Government are evidently inclined to raise objections. I feel, moreover, that if they do agree, as no doubt they ultimately must, to the arbitration of claims Nos. 1 and 2 by a judge of this court, we shall yet have very considerable difficulty in arranging for the settlement of claims of class No 3 by this method.

It is also very probable that the method suggested by Señor González Hontoria may be considerably cheaper than arbitration by a judge of the Permanent International Court, and that the expenses involved will be more in proportion to the actual amount of the claims. For these reasons I venture to think that if Señor González Hontoria's suggestion is put forward as a firm proposal, it might be worth while to give it favourable consideration.

I have, &c.
ESME HOWARD.

[W 1638/291/28] No. 96.

The Marquess Curzon of Kedleston to Sir E. Howard (Madrid).

(No. 112.)
Sir, *Foreign Office, March 1, 1922.*

WITH reference to your Excellency's despatch No. 113 of the 16th ultimo, I have carefully considered the proposal of the Spanish Government that instead of asking a judge of the new Permanent Court at The Hague to act as arbitrator in the matter of the British claims, a neutral such as Mr. Beichman's Norwegian engineer assistant should be asked to act.

2. His Majesty's Government are not disposed to insist on the arbitrator being a judge of the new Court, but they consider it essential that the arbitrator selected should be a lawyer of standing. While no doubt many of the claims would depend upon issues of fact, it is clear from the memorandum of the Spanish Foreign Office enclosed in your despatch No. 21 of the 7th January last that many of the cases relate to the occupation of land, railways, premises, &c., for military occupation and construction. This must inevitably necessitate a study of title-deeds, contracts and other legal documents, for which a lawyer is indispensable. Unless the Spanish Government can suggest the name of a neutral lawyer of high standing, on whose impartiality His Majesty's Government can rely, the latter must abide by their original suggestion that a judge of the Permanent Court should be appointed to act as arbitrator.

I am, &c.
CURZON OF KEDLESTON.

[W 3763/291/28] No. 97.

Sir E. Howard to the Marquess Curzon of Kedleston.—(Received May 3.)

(No. 58.)
(Telegraphic.) *Madrid, May 2, 1922.*

MY immediately preceding telegram.

With regard to first gentleman mentioned, I cannot forget his very pro-German attitude during the first year of the war and perpetual difficulties he raised for us.

This might possibly influence his decision, though I think it unlikely, as I believe him to be, apart from his feelings during the war, an honest and reliable man. I told Minister for Foreign Affairs that I thought it unlikely that he would accept on account of his age.

As regards the second, I told Minister for Foreign Affairs that he was engaged in Upper Silesia Delimitation Commission, and might not be immediately available, otherwise I presume that he would be excellent. I know nothing of the third, but Minister for Foreign Affairs said he was quite a young man, and would therefore be more likely to undertake the journey to Tetuan than the first two.

He said that if you do not agree to any of these three, other names would be submitted.

I said that before deciding on the jurist ultimately selected we ought finally to settle terms of reference, and that I thought the best procedure would probably be by exchange of notes. He agreed, and confirmed the opinion of his predecessor (see my despatch No. 113) that jurist should go not ostensibly to arbitrate, but to examine and report, it being previously agreed between the two Governments that his report should be accepted as final by both sides. Minister for Foreign Affairs said it would also be necessary to fix beforehand the expenses for which both Governments would be liable.

I should be glad to learn if you agree to this, and whether I should draw up, for submission to Spanish Government, note in this sense, making it quite clear that all British claims, and not only classes 1 and 2, should be included in jurist's report. I did not touch on this last point again in discussing the matter to-day, thinking it would be easier to obtain his consent when other points had been settled.

[W 3763/291/28] No. 98.

The Marquess Curzon of Kedleston to Sir E. Howard (Madrid).

(No. 44.)
(Telegraphic.) *Foreign Office, May* 10, 1922.

YOUR telegram No. 58 of 3rd May.

I agree to proposed procedure provided it is explicitly stated in exchange of notes that terms of reference cover all three classes of claims, and that Spanish Government undertake to accept report as final and to carry out award without delay. Latter is important point.

Expenses of arbitration, *i.e.*, arbitrator's fee and subsistence and travelling allowances, together with incidental expenses such as secretary's salary, printing, &c., should be borne equally by the two Governments. Fee can, of course, not be fixed until arbitrator is definitely selected.

Of jurists proposed in your telegram No. 57, first is unsuitable. Second is not available. Enquiries are being made regarding third. This need not delay proposed exchange of notes.

[W 3783/291/28] No. 99.

The Marquess Curzon of Kedleston to Sir C. Marling (The Hague).

(No. 22.)
(Telegraphic.) *Foreign Office, May* 10, 1922

SPANISH Government have proposed M. de Torle-Duwel, director of the Institute of International Law at The Hague, as sole arbitrator of certain British claims in Morocco, arising from occupation of land and damage to property by Spanish military and civil authorities.

Arbitrator would be required to go to Tetuan to investigate claims on the spot, and must be a man of unquestioned integrity and impartiality.

Please report whether you consider M. de Torle-Duwel suitable, and whether he would be likely to accept if invited. Nothing, of course, should be said to him at this stage.

[W 3763/291/28] No. 100.

Foreign Office to Treasury.

Sir, *Foreign Office, May* 16, 1922.

I AM directed by the Marquess Curzon of Kedleston to transmit to you herewith, for the information of the Lords Commissioners of the Treasury, a copy of a despatch addressed in October last to His Majesty's Ambassador at Madrid instructing him to demand that a number of British claims against the Spanish Government, arising mainly from the occupation of land and damage to property by the Spanish military and civil authorities in Morocco, should be referred to arbitration.

2. The Spanish Government have admitted in principle their liability in respect of the claims except those arising from damage done to property either in the course of military operations or by the acts of rebels or bandits. They have, however, done nothing to meet them beyond proposing to award 200,249 pesetas compensation in the case of four arbitrarily selected claims amounting to 2,325,930 pesetas, and making equally inadequate offers in respect of two other claims of less importance. For the reasons given in his despatch, the Secretary of State is satisfied that the only means of securing a satisfactory settlement is by recourse to arbitration.

3. The Spanish Government have now agreed in principle to arbitration, and have proposed, for reasons of economy, that one neutral jurist should be invited to visit the Spanish zone of Morocco as sole arbitrator to report on the claims, on the definite understanding that both Governments will accept his report as final. Lord Curzon has instructed His Majesty's Ambassador at Madrid to inform the Spanish Government in reply that His Majesty's Government are ready to adopt this procedure provided that the Spanish Government categorically declare that they will submit all the claims, including those in respect of which they do not admit liability, to arbitration, and that they undertake to carry out the arbitrator's award immediately. If the Spanish Government agree to these conditions, it is likely that the arbitrator will be selected, and the claims submitted to him without much further delay.

4. As regards expenses, His Majesty's Government have proposed that the cost of arbitration, *i.e.*, the arbitrator's fee and subsistence and travelling allowances, together with incidental expenses, such as the secretary's salary, printing, &c., shall be borne equally by the two Governments. It is intended that the share of His Majesty's Government will be a first charge on the amount obtained from the Spanish Government. In view of the fact that the latter have already offered over 200,000 pesetas compensation in respect of four specific claims, and are being required formally to undertake to carry out the arbitrator's award without delay, there seems every reason to expect that the arbitral expenses will without difficulty be met out of the amount of the award, and that no charge will fall on British public funds.

I am, &c.
G. H. VILLIERS.

(b.) Policy of the Spanish Government in the Spanish Zone.

[W 2720/171/28] No. 101.

Sir E. Howard to the Marquess Curzon of Kedleston.—(Received March 28.)

(No. 229. Confidential.)
My Lord, *Madrid, March* 25, 1922.

I HAVE once more to draw your Lordship's attention to the situation in the Spanish zone in Morocco. As reported in my despatch No. 110 of the 15th ultimo, the Government of Señor Maura held an interview with the High Commissioner near Malaga, in order, after more than six months of operations, to decide upon the ultimate objects of the campaign and the immediate steps to be taken to attain them. But such is the instability of Governments in Spain that Señor Maura, selected though he was in August last, with the approval of the great majority of his fellow citizens, to deal with the situation in Morocco, fell from power very shortly after this meeting. The real reason for his resignation was believed by many to have been the impossibility

of obtaining agreement on the Moroccan policy of the Government between Señors González Hontoria (the Minister for Foreign Affairs) and Cambó (Minister of Finance) on the one hand, and Señor La Cierva (Minister of War) on the other. It was generally held that the two former were in favour of withdrawing most of the troops from Morocco, whilst the latter, voicing in this case the military point of view, insisted upon a forward policy.

The new Spanish Government, on coming to power, was confronted by the resignation of General Berenguer from his post as High Commissioner. They at first denied rumours to this effect, and begged him to reconsider his decision. It is not even yet certain whether he will consent to continue responsible for the operations in Morocco, and the Government have now summoned him to Madrid to confer with them as to their future policy.

Meanwhile, affairs in the field have been distinctly unsatisfactory. Although Spain has 160,000 men in her zone, whilst the highest estimates of the Moors under arms in the Melilla theatre of operations places them at 10,000, it is the Moors who are doing most of the attacking. The talk of an advance by the Spaniards upon Alhucemas, or of a disembarkation on that coast has ended in the bombardment by the Moors of the Peñon de Alhucemas, when they succeeded in sinking a boat which was disembarking stores and in placing a shell in the cable station, besides doing other damage. They have also bombarded the Peñon de Gomera. The advances made by the Spanish troops under cover of the recently disembarked tanks have not been of great extent, and all but one of these machines are stated to be *hors de combat*, one at least having been captured by the Moors and its occupants killed.

Many officers in the Spanish army felt that to stand on their present lines would mean the capture one by one of their isolated posts by the Moorish forces, which are at present very active; whilst a retirement to Melilla would leave them with very little that is worth having, but still with the necessity of maintaining a considerable force for its defence. On the other hand, the expense of an unending campaign in Morocco is too much for the finances of Spain without drastic new taxation, which no Government seems prepared to impose or to enforce. The country moreover will clearly not much longer stand the retention under arms of 160,000 men, who are suffering great hardships owing to the weather and the inefficiency of their Government and officers, and have done little to justify their presence in such large numbers at the front. Everything therefore points to its being urgently necessary for the Government to make up its mind whether, with the army it possesses and any reinforcements it may be able to send, the whole of the Riff country can be subdued, once and for all; or whether, on the other hand, it is wiser to abandon the Spanish zone altogether, or at least a considerable part of it. Spanish pride will not, I think, permit of this latter solution, though there are not a few Spaniards who believe that it would be the wisest for Spain. It seems most probable, if one may hazard a prophecy, that, as in the case of Cuba, no definitive policy will be adopted, but that the Spaniards will continue to *seguir tirando* (muddle along) until some event over which they have no control solves the question for them.

I have, &c.
ESME HOWARD.

[**W 3339/171/28**] No. 102.

Sir E. Howard to the Marquess Curzon of Kedleston.—(*Received April* 18.)

(No. 293.)
Madrid, April 12, 1922.

My Lord,

IN my despatches Nos. 229 and 245 of the 25th and 31st ultimo respectively I reported the conversations between the Spanish Government and General Berenguer as to the future operations in Morocco, as well as the comments on possible Franco-Spanish co-operation in Morocco, which appeared in the "Época" and the "Heraldo de Madrid" after the High Commissioner had returned to Morocco with assurances of the confidence of the Government in him and of their concurrence in his plans for the future.

This same idea formed the basis of an article published in the "Libertad" of the 1st instant, which suggested that Spanish diplomacy still thought of this problem in terms of the pre-war *Entente cordiale* between France and Great Britain, and therefore

used the antiquated catchword of "co-operation with France and England," which became impossible when those two Powers disagreed. Some Spaniards, on the other hand, placed their trust in Franco-British discordance, hoping that as a result Great Britain would support Spain against France on the Tangier question. Such a policy of fishing in troubled waters did not seem an honourable one. France had followed a wise policy at Constantinople and Angora, which had had beneficial results in Fez and Tetuan. If Spain identified herself with England she would find herself drawn into an anti-Islamic policy, which would have ill effects in her zone and react badly on her relations with France. Spain must choose between Tangier and participation with France, England and Italy in a Mediterranean policy of co-operation and peace. The great mass of the Spanish people, tired of the present sanguinary and ruinous Moroccan entanglements, would gladly sacrifice Tangier for such a policy of peace, though it must be understood that this renunciation did not imply that Tangier was to be French, for the Powers could not agree to any departure from the system of the "open door" in Northern Africa.

In its issue of the 5th and 6th instant the "Heraldo de Madrid" published an interview with Señor Sánchez de Toca, the Conservative President of the Senate, who was at one time president of the Spanish "Liga Africanista," a society founded to exercise influence upon Spanish public opinion and Governments in matters connected with Morocco. Señor Sánchez de Toca, as your Lordship will recollect, was recently appointed chairman of the committee which prepared the programme for the Spanish delegates to the Genoa Conference. He is reported to have told his interviewer, Don Juan Guixe, that he had always maintained that a protectorate did not involve military conquest. From the 28,000 square miles of the Spanish zone a revenue of 15,000,000 pesetas could now be drawn, and, by the expenditure of 120 millions a year on public works, this revenue could be increased to 50 millions in ten years' time. For this it was essential to preserve native institutions and customs and to govern through the native chiefs. The policy of General Silvestre—a war policy—had been a deplorable one. He had executed a Moor, who had been very useful to Spain, as part of his campaign against Raisuli. He had refrained from punishing the gravest crimes committed by Spanish soldiers in Morocco. He had, with General Berenguer's knowledge and approval, engaged to be at Alhucemas by St. James's day; and, when the disaster of Annual was the result, nobody was more surprised than the Moors, who all but captured Melilla, since they could not imagine that half the troops in the Melilla command were on furlough in Spain. Such was the state of the army too, on which the State spent 600,000,000 pesetas a year, that there was not the well-trained and efficient division which would have sufficed to relieve Monte Arruit. As he had said, when he resigned his presidency of the "Liga Africanista," because he saw it was achieving nothing, the country required for Morocco a voluntary professional army of well-paid men who specialised in Morocco. They must, moreover, keep in the most suitable spot in the peninsula a strong division ready for instant transport to Morocco. General Berenguer was in favour of a non-military solution once the territory of the Beni-Said tribe had been occupied, after which the warlike Beni-Urriaguel would be isolated and negotiations with them would be possible. This peaceful policy mustb e followed, otherwise there would be a revolt of the fathers who had paid for their sons to serve for short terms as soldiers *de cuota* These soldiers got on well with their comrades in the ranks, but not with their officers. The army lacked everything, and could scarcely be called an army. Germany, when the war went against her, had let loose Lenin on Russia, and had also sent Baron Koenig (Señor Sánchez de Toca did not actually name this person; but he is clearly meant), who got into touch with Bravo Portillo, a man already in German pay, and produced syndicalism in Spain. This was followed by military juntas, before which the State capitulated. This internal demoralisation had preceded the disaster of Annual.

The "Liberal" of the 6th instant published a map and brief itinerary of the French President's visit to Northern Africa, which has otherwise passed almost without comment in the Spanish press. It concludes a brief article with good wishes for the success of a journey which was assured by the goodwill of the inhabitants towards the protecting Power. "What makes us sad at times," it adds, "is the thought that Spain spends in vain in her protectorate the sum of 6,000,000 pesetas a day."

These extracts will show your Lordship that there is still no definite idea in the minds of the public as to a future policy in Morocco. There is, however, without doubt a growing discontent with a policy of drifting whither fate may lead, which results in suggestions for co-operation with the French, and vague talk of the exercise of some measure of protection and control, without further military operations, over the

still recalcitrant Riff tribes, which seem disinclined to recognise that Spanish control is calculated to bring them any benefits.

I have, &c.
ESME HOWARD.

P.S., *April* 13.—This morning's press announces that General Berenguer left Tetuan on the 11th instant to motor to Alcazarquivir, from whence he was to proceed yesterday to Mequinez, arriving at Fez on the 14th instant, where he would lunch with M. Millerand. He was expected back at Tetuan on the 16th.

E. H.

[**W 3731/171/28**] No. 103.

Sir E. Howard to the Marquess Curzon of Kedleston.—(Received May 2.)

(No. 344.)

My Lord, *Madrid, April* 29, 1922.

I HAVE the honour to enclose herewith a memorandum by Mr. Wingfield, giving an account of the speeches made by the Spanish High Commissioner on the occasion of his recent visit to Fez to meet the President of the French Republic,* and of M. Millerand's reply,* as well as translations of telegrams which were exchanged on this occasion between the King of Spain and M. Millerand.* Mr. Wingfield has also reported the opinions expressed by Marshal Lyautey during an interview with a number of French journalists at Fez on the same occasion and the comments on Marshal Lyautey's views by different Spanish papers.

Your Lordship will doubtless observe that whereas the speech of General Berenguer was in the friendliest possible terms and referred to the necessity for co-operation and solidarity between the two Governments in their respective Moroccan zones, M. Millerand significantly omitted any kind of reference to Moroccan questions beyond expressing his good wishes for the Spanish army, which was undergoing such severe trials and for which he wished an early victory. The Conservative "A.B.C.," in reporting the meeting between the French President and the Spanish High Commissioner, emphasises the fact that not a single Moor was present during the ceremonies connected with General Berenguer's visit, whilst the "Imparcial" points out that, while the consuls of other nationalities were invited to the meeting between M. Millerand and Sultan Muley Yussuf, no invitation appears to have been sent to the Spanish consul.

Taken in connection with the evident efforts that have been recently made in the Spanish press, more particularly that of the Romanonist Party, as well as by the Spanish Government, to produce a feeling of greater friendship and tendency to co-operate with the French authorities in Morocco, it is clear that the lack of any corresponding wish on the part of the French authorities has come rather as a cold douche on these Spanish advances. Marshal Lyautey's speech particularly, in which he states definitely that he has no intention of advancing into the region on the frontier of the Spanish zone, for to do so would be to stir up a wasps' nest, has unquestionably created a feeling of real disillusion amongst those in Spain who hoped that the Spanish Government might receive some assistance in their Moroccan difficulties from the authorities of the French zone. This tone of regret and disillusion is also noticeable in the speech delivered by Count Romanones at Seville on the 26th April, a *précis* of which I am forwarding in my immediately following despatch. At the conclusion of the memorandum enclosed herewith Mr. Wingfield refers to an agitation which has been growing for some time past on the part of the fathers of the soldiers "de cuota," that is to say, those who had paid in order to avoid military service for their sons, and who now strongly object to their sons being retained indefinitely in the ranks in Morocco. This agitation has received considerable attention in the country and will no doubt before long be made the subject of discussions in the Cortes.

After reading recent articles in the press on the subject of Morocco, it is impossible to escape the conclusion that the country is becoming more and more tired of the burden imposed by the effort to conquer the Moroccan zone, and for this reason the speech which Count Romanones was announced to deliver in Seville on the 26th instant was looked forward to with more general interest than perhaps any other pronouncement that has been made in Spain during the last two years.

I have, &c.
ESME HOWARD.

---

* Not printed.

[**W 3732/171/28**] No. 104.

Sir E. Howard to the Marquess Curzon of Kedleston.—(Received May 2.)

(No. 345.)

My Lord, *Madrid, April* 29, 1922.

WITH reference to my immediately preceding despatch, I have the honour to enclose herewith a précis of a speech delivered by the Liberal leader, Count Romanones, at Seville on the 26th instant, on the subject of Morocco.

I have thought it advisable to have a somewhat extensive résumé of this speech drawn up as it appears to me by far a most clear and important pronouncement on the situation in the Spanish zone, as well as on the objects which Spanish policy should aim at in regard to that zone. It will be noticed in the first place that Count Romanones is entirely opposed to withdrawal from the zone mainly because, as he states in the last of his final conclusions on the subject, Spain is in Morocco to prevent the installation of another Power on the African coast in front of the coast of Spain. He nevertheless recognises that it is quite impossible for this country to continue spending money at the present rate on the conquest of the Moroccan zone, thereby piling up her debt from year to year and at the same time preventing her own internal development.

It is quite true that, as the Spanish press points out, there is perhaps nothing startlingly new in any of Count Romanone's conclusions, but at the same time, as the "Sol" says, the art of statecraft is mainly a matter of practical common-sense, and it is not therefore necessary for a statesman to put forward new suggestions in order that his proposals should be worthy of attention and consideration.

Count Romanones has undoubtedly gathered together in one speech and set before the public clearly and succinctly what numbers of people have been saying for many months past. At the same time it is hardly possible that when the Moroccan problem is put before the Spanish public in so clear a way as by him it can fail altogether to be better appreciated or that it will not lead to some definite result. That part of the speech which refers to the common treaty obligations of France and Spain in Morocco is particularly interesting, especially when he realises with evident regret that France now refuses to make any effort on the Spanish frontier at a moment when it would be most useful to Spain. He still, however, emphasises the need of and evidently hopes for friendly collaboration between the two countries, which he considers as essential for the success of the peaceful development of Morocco. It is also significant that he hardly mentions Great Britain as having any interest in the Moroccan problem.

I have, &c.
ESME HOWARD.

Enclosure in No. 104.

Speech by Count Romanones.

ON the 26th instant Count Romanones delivered a speech on Morocco in the theatre of San Fernando at Seville. He was introduced to the audience by the president of the Seville "Ateneo," and the following is a brief résumé of what he said:—

> "Morocco is a problem of life or death for Spain, and I call it a problem because it is impossible for us to adopt the simple expedient proposed by some of withdrawing from Morocco. Spain must consider her future generations, and cannot turn her back on engagements freely entered into. By withdrawing, too, we should perturb the friendly relations we enjoy with other States, by upsetting the *status quo* in the western Mediterranean. The southern coast of Spain lies entirely open to attack from across the strait, as we know from the seven centuries of Saracen invasion, and for this reason we must hold the inaccessible African coast opposite. To evacuate it would be to proclaim our own impotence and to permit some other Power to occupy that territory, while Spain would stay in a backwater apart from the current of future development in Africa. Without Morocco Spain would cease, in spite of her long coastline on the Mediterranean, to be a Mediterranean Power, and she might easily become a slave to any nation which dominated the Tyrrhenian Sea."

After speaking of the occupation of Tunis and Algiers by France, of Tripoli Italy, and of Gibraltar, Malta and Cyprus by Great Britain, Count Romanones went

to argue that though Spain, too, must retain the remains of her colonial empire, she must change her policy in Morocco, where all the old faults which had lost her Cuba and the Philippines were being repeated. The Treaty of 1912 laid down clearly her duties in Morocco, which were to preserve tranquillity in her zone, to afford assistance to the Moroccan Empire for the introduction of economic, financial, judicial, administrative or military reforms which might be necessary, but to make it clear that the Spanish zone remained under the civil and religious authority of the Sultan, represented by his Khalifa.

There were two systems for dealing with such undertakings as this, one was that of doing everything by force, the other depended on political action. Spain had entrusted affairs in Morocco to persons who only understood the exercise of authority by force; the other system had scarcely been tried. In fact Spain had done everything to convert the Moor, who at first had offered little opposition to the Spanish protectorate, into an irreconcilable enemy. Morocco had been treated like a "conquered country," which would have been risky even if they had really conquered it, which they were far from having done. After ten years of constant military effort during the day Spain dominated a certain amount of territory round her military posts, but at night he natives were the real masters of the whole country. If they went on at the present rate they would require another twelve years to conquer the country. The Spanish budget expenditure for the year 1909 had amounted to 1,100,000,000 pesetas. For the year 1920–21 it amounted to 2,700,000,000 pesetas, whilst the corresponding figures for the year 1921–22 amounted to 3,600,000,000 pesetas. Of this expenditure the share of Morocco from the year 1909 till the financial year 1920–21 amounted to 1,436,000,000 pesetas, the increase being from 66,000,000 in the year 1909 to 191,000,000 in the year 1920–21. Although the taxable capacity of the country had undoubtedly greatly increased since 1909 the deficit was growing in an alarming manner. In 1909 it amounted to about 49,000,000 pesetas; in the year 1920–21 it rose to 782,000,000 and for the year 1921–22 it amounted to 1,077,000,000, but to these figures must be added the duties incurred, so that the real deficit would oscillate between 1,350,000,000 and 1,400,000,000. During the economic year 1921–22 the expenditure on military action in Morocco amounted to 647,000,000 pesetas which, added to the extraordinary expenditure included in the budgets of the Ministries of War and Marine amounting to 85,500,000 and 31,000,000 respectively, made an acknowledged expenditure of 764,000,000 pesetas in round figures. Expenditure on this scale was beyond the capacity of Spain to stand, and even if she could raise the money there was no doubt that the objects which she might hope to attain did not justify such expenditure, particularly when it involved the indefinite postponement of the development of the interior resources of Spain itself.

The Spanish Government had endeavoured to develop Spain's protectorate on proper lines, but from the first day passive resistance, not deliberate but atavic, had been encountered. It was desired that the Government should be carried on through the Khalifa and the Grand Wazir, but these functionaries had become mere decorative figures at Tetuan. This lack of native policy was due to Spanish ignorance of Moorish psychology. Efforts had been made at colonisation, but these had consisted of acquiring the natives' land and planting Spaniards on it, with the result that the few colonists introduced had raised up a heavy crop of hatred on the part of the Rifians, one of whose chief characteristics was a love of the soil they tilled. Even through this transaction might be perfectly legal, the Moors could not forgive the possession by strangers of the land of their ancestors, whilst they for sole compensation had the alternatives of working as hired labourers on the soil they thought their own, or emigrating to distant parts to find other land on which they could freely work. The question of the ownership of land was not one that could be left under the free control of buyers and sellers. Special legislation was required, as existed in the French protectorate. He had been horrified by what he had seen in the neighbourhood of Tetuan in 1914. The surroundings of that town had been beautiful, with gardens like the celebrated Vega of Granada. He had found it a mass of ruins, with the trees cut down, and on asking a friendly Moor how this had come about had received the reply: "You thought this necessary in order to accomplish the work of civilisation which you came to carry out in Morocco." Every Spanish Government had sought to escape from this predominance of military action, but such was their instability in Spain that they had achieved nothing in this respect, and even now, after the disaster of Anual, they were in exactly the same position as before, whilst dozens of men daily fell in inglorious skirmishes as the result of the necessity for supplying the innumerable posts and blockhouses in which they had immobilised the huge army they had in Morocco, and

this instability of Governments had resulted in constant changes in policy towards the Moors, undue severity, perhaps even real cruelty, alternating with excessive leniency, till all moral authority with the Moors had been lost. Then, too, there had been an undue use of native troops and of the Foreign Legion, which had resulted in a lowering of the *moral* of the Spanish soldiers, with the grave consequence that the Moor considered the Spanish troops to be manifestly inferior to the others.

One necessary reform was that affairs in Morocco should be transferred from the present dual control of the Ministries of War and of State to the Prime Minister's Department, who could have for his assistance a permanent African Council formed of persons selected on account of recognised knowledge and authority in Moroccan matters, whilst the technical side of the military operations should be under the exclusive control of the Central General Staff. France had given Spain a good example by not being in a hurry to reduce to obedience parts of her zone where there was no practical necessity for immediate action. The Morocco problem was one of time and of wise policy. Not a moment more should they continue such exclusively military action on such a scale; not a moment more should they follow the policy of conquest. They must study the question of the Spanish protectorate in its relation to the whole question of Morocco, and must act on an understanding with France, which was essential. Their presence in Morocco was based on a treaty with France, which had concluded one with the Sultan. The spirit of these treaties was collaboration between France and Spain, the rights of the two nations being equal, and both zones being referred to as protectorates in article 25 of the Franco-Spanish Treaty. Agreement was therefore necessary, but up till now it had been a mere matter of polite formulas, and the two countries were acting quite independently. Both States had cause to complain at different times that their enemies took refuge in their neighbour's zone. Spain had refused to undertake operations in the south of her zone when this might have been useful to France, and now France refused to make any effort on the Spanish frontier when it would be most useful to Spain by cutting off Raisuli's retreat and establishing communication between Xauen and Alcázar. It was doubtless dangerous to withdraw contingents from Morocco and to abandon positions without security as to the results of the political action, and without having the voluntary colonial army necessary as its instrument, but unless Spain prepared for this change of policy it could never come about.

The following, therefore, were his final conclusions:—

1. That the protectorate should be carried on with strict attention to the first clause of the treaty of 1912.
2. No attempt at a war of conquest.
3. The High Commissioner to be a civilian.
4. A voluntary colonial army to be formed with a due proportion of native troops. The officers and non-commissioned officers of the colonial army to be also volunteers; their pay, promotion and rewards to be subject to special rules.
5. Reorganisation of the Central General Staff in order that it should assume the technical direction of all military action in Morocco.
6. The creation of a Protectorate Council attached to the Prime Minister's Department with consultative functions and composed of a small number of experts in Moroccan affairs.
7. A decision by the Cortes as to the economic effort which Spain can support in order to maintain its policy in Morocco.
8. Non-interference with all those regions which do not directly affect the defence of Ceuta and Melilla and the camps round them, or which lack special facilities for rapid development until time and contact with civilisation have had their effect upon them.
9. Absolute respect for native ownership and regulation of colonisation so as not to interfere with this ownership.
10. The carrying out of a well-thought-out plan of public works.
11. Recognition that the problem of Morocco is eminently an international one, and therefore presupposes agreement and the best understanding with France.
12. Never to forget that Spain is in Morocco, not for conquest, but solely to prevent the installation of another Power on the African coast in front of the coast of Spain.

CHARLES WINGFIELD.

April 29, 1922.

[W 3974/171/28] No. 105.

Mr. Robertson to the Marquess Curzon of Kedleston.—(*Received May* 11.)

(No. 176.)

Tangier, May 1, 1922.

My Lord,

IN my despatch No. 162 of the 21st ultimo I reported on the recent visit of General Berenguer to Fez, and suggested that it was improbable that the sole object of the Spanish High Commissioner's journey was to exchange compliments with the President of the French Republic and with Marshal Lyautey. A further incident of a similar nature has just occurred in connection with the departure of General Barrera from Laraiche on giving up his command of the military district of which that town is the capital. I understand that the General postponed his departure to Madrid for twenty-four hours in order to meet M. de Sorbier, the head of Marshal Lyautey's Diplomatic Cabinet, and other high officials of the French Protectorate Government. The published accounts of the meeting merely refer to an exchange of compliments and mutual congratulations on the good relations which were said to have existed between the authorities of the French and Spanish zones. I find it hard to believe, however, that no political importance is to be attached to this apparently trivial incident. The relations between the French and Spanish authorities are hardly such as would induce one to believe that officials of either Administration would motor many miles over bad roads, or delay a sea journey, in order to exchange congratulations or express gratitude for cordial co-operation, the existence of which has never been suspected in the past by unbiased observers.

In a recent conversation with my American colleague he mentioned to me that, after several interviews with the Spanish Minister, he had gained the impression that the latter felt that he was no longer receiving such strong support from his Government as he had been led to expect in the past. Were it true that the Spanish Government were contemplating a change in its attitude towards the French in Morocco, it would not be unnatural that they would weaken the support that they have always given to M. Serrat in his complaints against the French authorities at Tangier.

It is possible that the French Government have been a little surprised at the soundness of the British case with regard to the future of Tangier and the vigour with which it has been urged by His Majesty's Government. They would no doubt imagine that their task in dealing with His Majesty's Government would be somewhat simplified were it possible first to dispose of the objections raised by Spain to the French pretensions. Whether any change of policy along such lines is being seriously considered by either the French or Spanish Governments it is impossible for me to judge, but I find great difficulty in accounting for the series of incidents to which I have alluded, and I should be failing in my duty were I to allow them to pass without comment.

I have, &c.

ARNOLD ROBERTSON.

[W 4986/171/28] No. 106.

Mr. Robertson to the Earl of Balfour.—(*Received June* 16.)

(No. 214.)

Tangier, June 3, 1922.

My Lord,

WITH reference to your Lordship's despatch No. 203 of the 18th ultimo, I have the honour to transmit herewith a copy of a despatch from His Majesty's vice-consul at Tetuan on the subject of the progress of the military operations in the Spanish zone.

2. That the casualties suffered by the Spaniards in the course of the operations which ended in the capture of Tazerut have been heavy there can be little doubt. I should be surprised if the Spanish Government published full details of the losses incurred; but at the same time I attach little credence to the reports circulating in native circles, which put the Spanish losses at 4,000. Natives are notoriously unreliable where any question of numbers is concerned, but the circulation of such reports of Spanish losses has a considerable moral effect among the Moors.

3. There can be no doubt that the defeat of Raisuli, and the capture of Tazerut is an important success for the Spanish arms, and it may be well to outline in what respects they may expect to obtain a return for the somewhat costly effort by which it was achieved.

4. First of all, the capture of Tazerut will have disposed, once and for all, of the theory of the invincibility of Raisuli, which no doubt counted for a good deal in maintaining the *moral* of the tribesmen in the west of the Spanish zone. His flight from Tazerut into the mountains may have dispelled the doubts of some tribes, who, knowing that he has been in negotiation with the Spaniards on and off for some years, and has indeed received money from them, were averse from co-operating with him in any way for fear that he might at the same time be selling them to the Spaniards. On the other hand, the co-operation which he could offer now could not be worth much. He is old and fat, and will never again be a rallying point for all those who desired to keep their country free from European, especially Spanish, penetration. A Moor, who arrived yesterday from Bou Mashem mountain, where Raisuli is at present in hiding, informed Mr. Irwin, the dragoman of this agency, that Raisuli at present has about 150 followers with him, mostly men whose previous records are such that they can expect little consideration at the hands of the Spaniards; they are very short of food, and for two days recently they lived on oil alone, an experience after which Mr. Irwin's informant decided to make good his escape. Raisuli had sent this man to the French zone to bring back some animals which he had sent there, but he only delivered two out of the six which alone remained and which he was supposed to bring. Only a short time ago any Moor in similar circumstances would have bought or stolen animals to make good the deficiency, and it is perhaps typical of the decline of Raisuli's prestige that the man in question should have had no qualms about reporting that all the rest of the animals had died. I very much doubt whether he will ever again be a factor of any importance.

5. Secondly, the Spaniards can now claim that the whole of the country between Laraiche, Sheshouan, Alcazar and Tetuan is occupied by them, and enjoys comparative peace. But whether the Spaniards will prove themselves capable of exploiting the success which has been won by their arms, cannot but appear unlikely to anyone who has observed Spanish methods in other parts of their zone where there is at present no fighting. Sooner or later they will doubtless be compelled to make an attempt to imitate the policy of "Roads and Sugar" so successfully employed by Marshal Lyautey, and to which allusion is made by the assistant military attaché at Madrid in his report of the 6th ultimo; but in pursuit of such a policy they will suffer from two serious handicaps—their lack of officers or officials with any knowledge of Arabic, and the fact that they have inspired in the Moors not only the deepest hatred, but what is far worse, a contempt for their nation which is as bitter as it is often undisguised. That the French are hated by many of the Moors, especially among the more educated classes, is beyond dispute, but they are not despised, and a great part of the fighting against the dissident tribes is carried on by means of "Goums" or irregular troops led by French officers of the "Service de Renseignements," and composed of tribesmen who were themselves fighting against the French only a few months ago. The Spaniards are perhaps too closely related to the Moors by ties of blood to inspire them with any respect; the Moors have never forgotten the Caliphate of Cordova.

6. On the strength of their success in the western area of their zone the Spaniards are already sending troops back to the peninsula, and I can well understand the fears which such a policy has aroused in Spanish military circles. The Spanish Government may decide to hold down the country they have occupied by means of blockhouses, but sooner or later these small posts attract the attention of marauding bands, and the work of rationing and maintaining them becomes costly, while the economic development of the area stands still.

7. The only alternative to such a policy appears to me to be the organisation of native levies led by officers who not only speak Arabic with absolute fluency, but are able to gain the confidence and affection of the Moors, and the employment of picked Spanish troops in co-operation with them in the form of mobile columns, whose mission would be to introduce and support some form of simple administration based on the native tribal organisation. But the success of any such plan would depend on the personality and qualifications of those to whom its execution was entrusted, and the degree of success achieved in the regions which have enjoyed some period of Spanish control does not lead one to suppose that suitable officers or civilian officials exist in any great numbers.

8. Indeed, it appears difficult to believe that the Spanish High Commissioner is making the best use of such qualified personnel as he has at his disposal. His Majesty's vice-consul at Tetuan, in reporting the removal of Colonel Riquelmo—one of the few Spanish officers who understood how to deal with the Moors and knew their language—from his post as chief of the native police in the Melilla district, observed

that he has been succeeded by Colonel Lasquetty of Tetuan, who is said to be an intimate friend of the High Commissioner—this being apparently his only qualification for the important post to which he has been appointed. This, indeed, appears to be the only possible explanation of an appointment which Colonel Melvill in his report of the 14th April characterises as incomprehensible.

9. Thus, though the success achieved by the Spaniards in defeating Raisuli is undoubtedly of considerable importance, both from the political and military points of view, I doubt very much whether it has brought the final settlement of the Spanish zone very much nearer, and I consider that the future of the Mediterranean coast of Morocco and its hinterland is so uncertain as to warrant considerable anxiety on the part of His Majesty's Government.

I have, &c.
ARNOLD ROBERTSON.

Enclosure in No. 106.

Vice-Consul Fox-Strangways to Mr. Robertson.

(No. 45. Confidential.)

Sir, *Tetuan, May* 16, 1922.

I HAVE the honour to report as follows regarding the operations in the Beni Arros:—

Fighting having proceeded, with little interruption, from the 28th April up to date, the position may be summed up by saying that the Spanish forces have gained their object, if that were the village of Tazerut, and not the person of El Raisuli.

Their casualties have, as usual, been extremely heavy, and include the well-known commanding officer of the Regulares de Ceuta, Lieutenant-Colonel González Tablas, who was shot by snipers after the objective had been reached.

Colonel Tablas is one of the small band of commanding officers who have justly earned their reputation, and his loss will not only be keenly felt by the army in the field, but is also calculated to deal another blow to the already tottering reputation and prestige of the High Commissioner.

In this connection it is interesting to note that the long-delayed promotion to General of Colonel Castro Girona, the outstanding figure in the Moroccan campaign, consistently opposed by General Berenguer and Señor La Cierva, the late War Minister, is at last an accomplished fact. The general opinion now seems to be that, either Girona will step into Berenguer's shoes or that a civilian Resident will be appointed, and the military command in this zone taken over by Girona.

Raisuli is generally stated to be in hiding on the Jebel Hashen, but whether this be so, or whether, as others say, he has taken refuge in the French zone, it is at least certain that he has once again eluded the Spanish forces, and that the real aim of the latter has consequently again been frustrated.

Hamido-el-Succan, Raisuli's lieutenant, was killed during the attack on Tazerut, and the Spaniards make great capital of this. It may be doubted whether this great loss will have any deciding influence on the campaign any more than the death of González Tablas.

The real point at issue is not the possession, temporary or otherwise, of Tazerut, but the question as to whether Raisuli is to be allowed to exercise a dictatorship in the Jebala, and the Spaniards are apparently incapable of arriving at a solution favourable to themselves.

The Government has allowed itself to be swayed so often by the counsels emanating from Tetuan that all hesitate to prophecy, for the third or fourth time, the definite supersession of the present High Commissioner, but unless a change is made quickly at the Tetuan Residency, the general feeling, both here and in Spain, will be not only disappointment but anger.

I have, &c.
W. A. FOX-STRANGWAYS.

[W 5328/171/28] No. 107.

Sir E. Howard to the Earl of Balfour.—(Received June 27.)

(No. 453.)

My Lord, *Madrid, June* 17, 1922.

THE Madrid papers this morning announce that the Spanish Government have definitely decided to put an end to the military operations in Morocco. The reason for this decision is given in an interview by a "Sol" reporter with the Minister of Finance, Señor Bergamin. He declared at the outset that all rumours respecting a Cabinet crisis provoked by him on this question were without foundation. On the contrary a report presented by him to the Council of Ministers met with unanimous approval. In this he had asked that military operations should cease at the first possible moment, and all agreed with this view. Seeing that the King, the Government and public opinion were all agreed in principle, what difficulty could there be in putting the principle into practice?

The only person whose opinion was yet lacking was the High Commissioner, and he was coming to Madrid in a few days.

Asked if General Berenguer would agree, Señor Bergamin said that he had only to carry out instructions. But, as a matter of fact, the High Commissioner had told him some time ago that if, when the civil protectorate was established, it was considered advisable to appoint a Civil High Commissioner, he would, if required, stay on at the Civil High Commissioner's side until he was fully acquainted with the problem.

The Government would be prepared to establish the new régime at once. If it could be done in a fortnight, it would be done in that time.

At the conclusion of the interview, during which Señor Bergamin stated *inter alia* that the Cortes would be asked before breaking up to vote not only the budget but also the Railway Bill and some finance measures, he said: "The situation is not so difficult as some have thought. The only trouble lies in the fits of annoyance I have when on trying to allocate the revenues of the month I notice, for instance, that the expenses for Morocco have risen from 17 millions to 72 millions, and it is this I intend, and the Government intends likewise, shall not continue."

This is evidently the truth of the matter. The Government are at last agreed with what many papers have been saying for months past, namely, that the expenditure cannot continue indefinitely without ruining the country altogether.

It is not yet explained what is meant exactly by the conclusion of military operations.

Presumably in the western sector, Raisuli will continue to be blockaded in the small district which he still occupies, while in the east, every effort will be made to arrive at an arrangement with Abd-el-Krim, the Spaniards retaining only sufficient territory round Melilla for the protection of that fortress, and retaining the other *places fortes* along the north coast.

In any case we may now expect that the Moroccan situation will change completely within the next few weeks.

I have, &c.
ESME HOWARD.

Chapter IV.—The Morocco Mining Arbitration Commission.

[W 5087/555/28] No. 108.

Mr. Allsebrook to Foreign Office.—(*Received June* 20.)

Sir, 4, *Brick Court, Temple, London, June* 19, 1922.

I HAVE the honour to enclose copy of a letter dated the 9th June which I have received from the president of the Morocco Mining Arbitration Commission, in which he desires me to inform you that, subject to a certain reserve, the commission's work is now finished.

2. I enclose also the summary report which accompanied the president's letter, and, in doing so, draw your attention to paragraph 17.

3. Of the four claims in question, two or more were made by the Anglo-Moroccan Mining Syndicate (Limited). The claims were made in the ordinary way for examination by the commission, the papers concerning them are in the offices of the commission.

4. I had been told unofficially of the existence of the claims, and last time I was in Paris, in May 1921, I mentioned them to M. Beichmann, suggesting that if the claimants and Foreign Office should so desire, the commission should, when it had adjudicated on the claims in the Spanish and French zones, go on to examine and make its awards upon these four claims in the international zone. M. Beichmann replied that he did not well see how the commission could do this, as it had no authority or existence except in respect to the Spanish and French zones, and he was unwilling to extend the work of the commission.

5. I left the matter in this state, but in November last asked Mr. Villiers if it was desirable that I should do or say any more about it. He asked me to speak to M. Beichmann again next time I should be in Paris, and to say that the view of the Foreign Office was that it would be a convenient and useful thing if the commission should do as I had previously suggested. I expected to be summoned to Paris for a rehearing of competitive claims in case of possible successful claims by claimants of Spanish or other nationality in respect to areas already successfully claimed by English claimants. There has, it would appear from the president's letter, been one such case, but owing to the inaccessibility of the region, any further examination of these competing claims is deferred. Meanwhile the commission has finished its work in the Spanish and French zones. I have not been to Paris again, nor have I written to M. Beichmann on the subject of the four claims in the international zone.

6. I shall be glad to know if you wish me to do any more. I do not know if the claimants have been informed of the position in regard to their claims nor whether they are waiting in the anticipation that the commission will adjudicate upon them. Should the latter be the case, then, unless there is some other convenient way of dealing with the claims, it would appear unfortunate should the commission dissolve without their being dealt with.

7. I venture to call your attention to one other point in connnection with the president's letter. It will be observed from its second paragraph that, in the case of the successful claim (No. 173 E, "Esperanza") of the Morocco Minerals Syndicate (Limited), the very difficulty does or may exist which the president declined to run in respect to the same company's unsuccessful claim, "Theresa." This matter is discussed in the observations accompanying my letter to you of the 7th February, 1922, in answer to your letter of the 26th January.

I beg to be allowed to recall these observations to your notice.

I am, &c.

G. C. ALLSEBROOK.

Enclosure 1 in No. 108.

M. Beichmann to Mr. Allsebrook.

Commission arbitrale des Litiges miniers au Maroc,
Paris, le 9 juin 1922.

M. l'Arbitre,

J'AI l'honneur de porter à votre connaissance que la Commission arbitrale des Litiges miniers au Maroc vient de terminer ses travaux, ayant statué sur toutes les requêtes présentées. Toutefois, en ce qui concerne la zone espagnole, il se pourrait que quelques-uns des périmètres accordés empiètent sur des périmètres attribués à d'autres requérants de nationalité différente, sans qu'il soit actuellement possible de constater si un tel empiétement existe ou non.

Tel est, entre autres, le cas en ce qui concerne le périmètre de la requête 173 E, attribué à la Société anglaise Morocco Minerals Syndicate par sentence du 24 mai 1921, sous réserve des dispositions de l'alinéa 10 de l'article 3 du dahir du 20 janvier 1914. Le requérant est informé qu'il sera avisé lorsque la région sera devenue accessible et que la délimitation du périmètre sur le terrain aura eu lieu.

Je vous serai reconnaissant de vouloir bien faire connaître à votre Gouvernement que, sous cette réserve, les travaux de la Commission arbitrale sont maintenant terminés.

En vous remerciant de votre précieuse collaboration, je vous prie d'agréer, &c.

Le Surarbitre,
BEICHMANN.

P.S.—Vous trouverez ci-joint, à titre de renseignement, copie du rapport sommaire résumant les travaux de la Commission arbitrale.

B.

Enclosure 2 in No. 108.

Rapport sur les Travaux de la Commission arbitrale des Litiges miniers au Maroc.

INSTITUÉE par dahir chérifien du 19 janvier 1914 (zone française) et par dahir khalifien du 20 du même mois (zone espagnole), pour résoudre les litiges miniers au Maroc, la Commission arbitrale a commencé ses travaux dès le mois d'avril 1914, sous la présidence de M. G. Gram, ancien Ministre d'État, surarbitre nommé par Sa Majesté le Roi de Norvège.

2. Au cours du délai fixé par les dahirs, 497 requêtes furent présentées. A la suite d'un premier examen, il fut reconnu que 203 d'entre elles concernaient la zone espagnole, 290 la zone française et 4 la zone de Tanger.

3. Ces requêtes se répartissent comme suit par nationalités :

(1.) *Zone espagnole :*		
Allemandes	... ...	46
Anglaises	... ...	27
Espagnoles	... ...	102
Françaises	... ...	21
Italienne	... ...	1
Néerlandaises	... ...	6
		203
(2.) *Zone française :*		
Allemandes	... ...	142
Américaines	... ...	4
Anglaises	... ...	18
Belges ...	... ...	5
Espagnoles	... ...	7
Françaises	... ...	100
Italienne	... ...	1
Néerlandaises	... ...	10
Portugaises	... ...	2
Nationalité inconnue	... ...	1
		290
(3.) *Zone de Tanger :*		
Anglaises	... ...	4

4. Conformément aux prescriptions des dahirs, les requêtes furent examinées par le surarbitre et par le Service des Mines, dont les observations furent notifiées aux

requérants. De son côté, le Service des Mines reçut communications des observations du surarbitre.

5. Au cours de l'été 1914, le surarbitre fut appelé à statuer sur quelques demandes d'exploitation provisoire par application de l'article 4 des dahirs.

6. A la fin de juillet 1914, par suite des hostilités, la commission dut suspendre ses travaux, qui ne furent repris qu'au printemps 1919. Le délai prévu pour la rectification des requêtes, conformément aux observations du surarbitre et du Service des Mines, fut prorogé jusqu'au 15 juillet de la même année, et c'est en novembre 1919 seulement que la Commission arbitrale put rendre ses premières sentences.

7. Toutefois, au cours de la période de guerre, le surarbitre eut à rendre quelques décisions concernant des demandes d'exploitation provisoire dans la zone espagnole.

8. La Commission arbitrale, qui a consacré des périodes alternatives à chacune des zones espagnole et française, a été présidée par M. G. Gram jusqu'à fin mars 1920, et M. Wollebaek, Secrétaire général au Ministère des Affaires étrangères de Norvège, a rempli les fonctions de surarbitre par intérim d'avril jusqu'à fin juin de la même année.

9. Au cours de la période de novembre 1919 à juin 1920, la commission a pu donner solution à 217 requêtes, dont 74 pour la zone espagnole et 143 pour la zone française.

10. Parmi ces requêtes, 35 intéressant la zone espagnole et 125 intéressant la zone française, présentées par des requérants allemands, se basaient sur une concession accordée auxdits requérants, en octobre 1909, par le Sultan Moulay Hafid.

11. Par sentences en date du 29 janvier 1920, en ce qui concerne la zone espagnole, et du 16 février 1920, en ce qui concerne la zone française, cette concession fut jugée n'avoir aucune valeur légale. Toutefois, la commission a décidé ultérieurement le remboursement de certaines sommes versées au Sultan par les requérants pour l'acquisition de leurs prétendus droits.

12. De septembre 1920 à juin 1922, sous la présidence de M. Beichmann, président de la Cour d'Appel de Trondhjem, nommé surarbitre par Sa Majesté le Roi de Norvège en remplacement de M. Gram, démissionnaire, la commission a eu à statuer encore sur 276 requêtes, dont 129 intéressant la zone espagnole et 147 intéressant la zone française.

13. Dans ces chiffres étaient comprises plus de la moitié des requêtes allemandes enregistrées dans la zone française qui, rejetées en droit, se basaient, en outre, sur des faits d'activité minière ou des achats de terrain.

14. Vis-à-vis des 203 requêtes concernant la zone espagnole, 15 permis d'exploitation et 27 permis de recherche ont été institués. Ils se décomposent comme suit :

Exploitation.	*Recherche.*
1 anglais.	2 anglais.
14 espagnols.	18 espagnols.
	3 français.
	4 néerlandais.

15. Vis-à-vis des 290 requêtes concernant la zone française, 33 permis de recherche ont été institués. Ils se décomposent comme suit : 13 allemands, 1 anglais, 1 belge, 1 espagnol, 14 français, 2 néerlandais, 1 portugais.

16. Quatre requêtes présentées par un sujet américain ont dû être rayées du rôle, le Gouvernement des États-Unis n'ayant pas jugé à propos de désigner un arbitre.

17. Les quatre requêtes intéressant la zone de Tanger qui, lors de leur présentation, ne portaient aucune indication spéciale, n'ont pas été inscrites au rôle, la Commission arbitrale n'ayant pas reçu mandat pour statuer sur les requêtes portant sur ce territoire.

18. Quant aux requêtes visant des périmètres situés sur le territoire d'Ifni, la commission les a rayées du rôle, n'ayant pas non plus compétence en ce qui concerne cette région.

19. Conformément à l'alinéa 4 de l'article 144 du Traité de Paix de Versailles, la commission a été appelée, en outre, à se prononcer sur l'estimation pécuniaire des treize permis de recherche accordés aux requérants allemands. L'estimation a été faite pour les six périmètres situés dans la zone de sécurité, mais elle a dû être ajournée *sine die* pour les sept qui se trouvent hors ladite zone.

20. La commission a eu à statuer sur trois cas de concurrence entre des attributaires de nationalités différentes, comme il a été prévu à l'alinéa 3 de l'article 2 des dahirs. Un de ces cas se référait à la zone française, les deux autres à la zone espagnole. En ce qui concerne cette dernière zone, une telle concurrence est aussi possible pour quelques autres périmètres. Mais la région n'étant pas actuellement accessible, on n'a

pu constater s'il y a empiétement ou non. Il a donc fallu réserver la reprise des travaux de la commission pour le cas où un tel empiétement serait constaté ultérieurement.

21. Sous les réserves ci-dessus indiquées, les travaux de la Commission arbitrale sont maintenant terminés.

Le Surarbitre,
BEICHMANN

Paris, le 9 juin 1922.

[W 5087/555/28] No. 109.

Foreign Office to Mr. Allsebrook.

Sir, *Foreign Office, June* 28, 1922.

I AM directed by the Earl of Balfour to acknowledge receipt of your letter of the 19th instant, reporting the conclusion of the work of the Morocco Mining Arbitration Commission.

2. Although it seems regrettable, from the point of view of public convenience, that the commission did not see their way to deal with the four British claims in the Tangier zone, Lord Balfour does not desire to press the point now.

3. Note has been taken of the decision of the commission to postpone the final settlement of the Esperanza claim until the terrain can be surveyed on the spot.

4. In conclusion, I am to express to you the thanks of the Secretary of State for your valuable services as British representative on the commission during the last four years.

I am, &c.
G. H. VILLIERS.

Chapter V.—Miscellaneous.

[W 1375/1375/28] No. 110.

Mr. Robertson to the Marquess Curzon of Kedleston.—(*Received February* 11.)

(No. 45. Confidential.)

My Lord, *Tangier, February* 4, 1922.

MR. CLARK KERR, in his despatch No. 491 to your Lordship of the 8th December, 1921, drew your Lordship's attention to the anti-British propaganda which is being carried on in the French protectorate by the French authorities. My recent tour to the protectorate, which included visits to Casablanca, Mogador, Fez and Rabat, and in the course of which I had long conversations with a considerable number of Moors, enables me to confirm Mr. Clark Kerr's report in all its details. The propaganda appears to be carried on by means of newspapers from Algeria and Tunis and by word of mouth. Special attention is drawn by French officials to particularly virulent articles, and much stress is laid upon the boycott of the British in India and in Egypt. It is insisted that we are the enemies of Islam, that we are supporting the Greeks against the Sultan of Turkey, and that we have set up in Mesopotamia a prince who had fought against the Sultan.

I regret to have to report that this propaganda appears to be having considerable effect, and I was closely questioned by British protégés, whose desire it is to believe nothing but good of His Majesty's Government. It was clear to me that their confidence had been somewhat shaken, though their mistrust of the French seemed to be as profound as their hatred of them.

In the meantime it is interesting to note that the French authorities permit no Arabic newspaper to be published in the protectorate except their official paper at Rabat, the "Es Saada," and restrict education to the merest rudiments—facts which are bitterly resented by those natives who think for themselves and who desire to work for their independence.

Interest in the Sultan of Turkey appears to date from the establishment of the French protectorate in Morocco, as reported in my despatch No. 45 of the 3rd February, and the French are making skilful use of it to our detriment.

I have, &c.

ARNOLD ROBERTSON.

[W 3800/197/28] No. 111.

Mr. Robertson to the Marquess Curzon of Kedleston.—(*Received May* 4.)

(No. 161.)

My Lord, *Tangier, April* 20, 1922

I HAVE the honour to report that on Sunday, the 9th April, I attended at Rabat, by invitation of the French Resident-General, the various ceremonies connected with the visit to that town of the President of the French Republic, who had arrived from Marrakesh by road the evening before.

These ceremonies began with the reception at the Residency-General at 8·45 A.M. of the Diplomatic Corps of Tangier, those present being the American, Belgian, French, Portuguese and British diplomatic agents and the acting Italian agent. No procedure had been laid down for this reception, but it was generally understood that my American colleague would say a few words of welcome on behalf of all of us. Unfortunately, when the President had passed down the line, each of us being presented to him in turn by the Resident-General, he stopped at the acting Italian agent, while Marshal Lyautey explained that he was really the Portuguese Minister and merely at Tangier on a special mission during the absence of his colleague. The marshal really meant that he was the Italian Minister at Lisbon, but this unhappy mistake recurred at intervals during the day almost every time that my Italian colleague was presented to anyone. On this occasion the latter seized the opportunity to say that he had been instructed to convey to the President the greetings of his Government, which considerably embarrassed me, as it would have been somewhat difficult for me to have said the same in the special circumstances with which your Lordship is only too familiar. My American colleague

was also at a loss as to what to do, as things were not proceeding according to our informal plan, but he ultimately advanced and conveyed to the President the greetings of the United States Government. Fortunately for me the President then intervened with a short speech addressed to all of us. He began by alluding to France's work in Morocco and insisted that her policy was based upon the authority of the Sultan. During this part of his speech he looked steadily at me. He then went on to say that he took special pleasure in greeting the representative of Spain, which had similar problems to deal with in a neighbouring zone, and the efforts of which France was watching with a sympathetic interest. While speaking these words he looked steadily at my Portuguese colleague. My Spanish colleague was not present, and the Spanish consul at Rabat, who had been specially instructed by his Government to represent them on that day, was not invited to the reception nor to such of the subsequent ceremonies as were not attended by his consular colleagues.

After this reception the diplomatic agents remained in the Residency while the Sultan paid his official visit to the President. We did not assist at this ceremony, but were permitted to see the arrival of His Shereefian Majesty in an open motor-car, escorted by his negro guard, who looked very picturesque in scarlet and white, mounted on fine horses.

Subsequently we proceeded to the Sultan's palace in three open cars, escorted by Spahis. Here we were each accorded three minutes' audience of His Shereefian Majesty, who was attended by an interpreter, M. de Sorbier de Pougnadoresse, the head of the Diplomatic Cabinet, and one or two Moorish viziers with whom I was not acquainted. The audiences were, I understood, to be purely of ceremony, and I gather that they were so in the case of my colleagues. At mine, His Majesty began by enquiring after the health of the King, the Queen and all the Royal family. He also requested me to telegraph his greetings to their Majesties and their Royal Highnesses. Then, to my astonishment, His Majesty suddenly said that he understood that the British Government took a great interest in the question of Tangier. He would therefore be grateful if I would transmit a message to them expressing the hope that they did not intend to question his sovereignty over the Tangier zone. I confess to a feeling of anger that these words should have been put into the mouth of His Majesty at a formal audience of three minutes, especially as I was given no previous warning. I replied, however, courteously, that His Majesty's Government had never disputed the Sultan's sovereignty over Tangier. I might have added, "any more than over the French and Spanish zones of your Majesty's Empire," but I preferred not to follow the French in their display of bad taste, and I did not feel that it would serve any useful purpose to use controversial language during a three-minute audience with a potentate who was monarch of nought he surveyed. I trust that your Lordship will approve my reply and that the French will not attempt to make use of it as a formal admission of their contentions in regard to the Tangier question. It would have been discourteous and impolitic to have declined to reply, as the Sultan is, at any rate nominally, Sovereign over the whole of Morocco, and His Majesty's Government do not contest the fact.

After the diplomatic audiences, the President of the French Republic arrived to pay his return call on the Sultan. The audience which followed was attended by all the members of the Makhzen standing in a row on one side, Marshal Lyautey, the Ministers, Senators and Deputies accompanying the President and the diplomatic agents of Tangier standing in two rows on the other. The Sultan and the President were seated on two gilded chairs on a raised platform at the head of the rows described. Then began one of the most pathetic ceremonies which it has ever been my fortune to attend. The Sultan pulled a sheet of paper from his pocket and read rapidly in Arabic and in a low voice the speech of which I have the honour to enclose a translation in French as communicated to the press.* During this proceeding the viziers stared at the floor in an attitude of utter dejection, while one of them, the Minister of Public Instruction, who is, I understand, a most learned gentleman, muttered continuously what I imagine must have been imprecations from the Koran. At the conclusion the Sultan glanced furtively and timidly at Marshal Lyautey as who should say, "Have I done well, my master?" but the stern soldier replied with never a nod of the head. Had His Shereefian Majesty had a tail, I feel sure that he would have wagged it like a performing dog.

After the speech had been translated into French by the Court's interpreter, the French President in his turn pulled a sheet of paper from his pocket and read his reply,

* Not printed.

a copy of which is enclosed.* This was in turn translated into Arabic, and the ceremony concluded, those present adjourning to a Moorish tea.

I would direct your Lordship's special attention to the two speeches and to their insistence on the authority of the Sultan. They are indicative of Marshal Lyautey's policy in regard to Morocco, which I propose to endeavour to explain at the conclusion of this despatch, and were intended to be a notification to the Islamic world that "La France, riche de ses traditions de justice, de générosité et de sympathie pour les peuples musulmans, a entrepris une œuvre basée sur la sauvegarde intégrale dans toute l'étendue de son Empire des droits et prérogatives du Souverain, ainsi que de son prestige religieux."

After the conclusion of this ceremony there was a large official luncheon at the new Residency-General, followed by a reception. No speeches were made. In the afternoon a wild charge past of the tribes brandishing antiquated rifles and mounted on fleet barbs was followed by a tea at the Basha's, and the day came to an end with a *dîner intime* at the Residency-General, to which some forty people were invited, including the diplomatic agents. After dinner I had a few minutes conversation with the President. He spoke of having met me on the Rhine, asked me how I liked Tangier and what I had seen of the French protectorate, and took the opportunity to emphasise that it was France's policy to do everything in Morocco through the Sultan. To this I replied that, having a large Mussulman empire of our own, we were watching the French experiment with considerable interest and sympathy. The President then alluded to the question of Tangier, which was not, however, discussed seriously at all, partly for the reason that the conversation was wholly informal and took place while we were both standing in a room filled with forty people. We agreed that it was important, in the interests of Anglo-French relations, that the question should be settled, and I did say casually that our interest was, as he knew, largely strategic. The President did not put the French case before me any more than I put the British case before him. There was not the time, nor was this the occasion, or we should both of us have said a very great deal more. Your Lordship can therefore imagine my astonishment, on reading Lord Hardinge's despatch No. 917 of the 11th April to you, to find that, in an official conversation with His Majesty's Ambassador at Paris, the French Prime Minister informed his Lordship that the President of the Republic had gathered from me that our interest in the Tangier question was "one purely of a strategic character." I never made any such absurd statement, nor did I give the President to understand any such thing. It must put an end to all friendly and unofficial intercourse if a chance remark on such an occasion as that described is to be distorted and used officially as a serious contribution to a discussion on an important international question which has formed the subject of clear and definite statements of views by each of the two Governments. That the interest of the British Government is both strategic and economic must be as well known to the President as it is to me, and I must insist that our conversation was hardly a discussion at all. It was in no way exhaustive, and no official value should be attached to it. I might equally well report to your Lordship that I gathered from M. Millerand that the French Government would make no difficulty in meeting our views as to internationalisation, provided that a formula were found for maintaining the authority of the Sultan. This was, in fact, my impression, but it seemed so wholly improbable that it never occurred to me to inform your Lordship of it.

In conclusion, I would venture to submit to your Lordship my impressions of the visit of the President which I witnessed at Rabat, and in the wake of which I followed to Casablanca, Meknes and Fez, especially in so far as it enlightened me in regard to French policy in Morocco.

What the real impression of the Moors has been it is almost impossible for one who has so little acquaintance with the Oriental character to say. Tens of thousands of tribesmen came long distances to greet the President at every city that he visited. Whether or not they came by order of the French authorities, as many allege, I am not in a position to say. In any case they came, and in very large numbers. Many were disappointed that the President appeared in a frock coat and grey sun-helmet, instead of glittering in a gorgeous uniform as they had expected. This I heard on all sides. On the other hand, I also heard on all sides that he made the most excellent impression, by his kindness and cordiality, on all those with whom he spoke, and there were a great many of them. That the visit has cost large sums of money which will have to come out of the pockets of the local taxpayer is common knowledge and is causing some uneasiness, especially as some absurd extravagancies were indulged in.

* Not printed.

On the whole, I venture to think that the visit has done some good and has satisfied Marshal Lyautey. Both he and the French Government are very anxious as to the general unrest in the Islamic world, and have for some time past been considering what policy they should adopt to stave off the troubles from which Egypt and India have been suffering. The policy decided upon is to endeavour to make the world, notably the Islamic world, believe that the Sultan of Morocco is a free and independent sovereign, whose temporal and spiritual authority extends over the whole of Morocco, the French protectorate having been declared for the express purpose of upholding his rights and prerogatives against attack, both internal and external. Your Lordship will have noticed that in some of the communications to His Majesty's Government the French Government have been at pains to argue that they are not identic with the Government of Morocco, leaving it to be understood that the latter are capable of independent action. This is of course not true, but it is part of the policy. In the speeches at Rabat, and at every possible opportunity, even in the short speech to my colleagues and to myself and in every conversation with me, the same note was sounded. I am inclined to think that the French are deceiving themselves, but no one else, let alone the intelligent Moors of Fez and other cities. But this does not alter the fact that insistence on the authority of the Sultan is a definite policy adopted for the specific purpose of staving off trouble. This may throw some light on the French attitude in the Tangier question, though it does not cover the whole ground. An appeal is being made to Islam and an attempt is being made to put His Majesty's Government in the wrong in the eyes of the Mahommedan world, not so much from pure malice as for reasons of self-protection. If this impression be correct, then I would suggest that we should at once inform the French Government that we are ready definitely to acknowledge the spiritual authority of the Sultan in article 1 of the Tangier statute. The limitations of his temporal authority, as in the case of the French and Spanish zones, would be contained in subsequent articles. It is probable that the French Government would then take refuge behind French public opinion, which they have been deliberately working up for some time past, but the wind would be taken out of their sails as far as the spiritual authority of the Sultan was concerned, and we ought to be able to counter any propaganda that they may undertake against us on that score in Turkey, Egypt, India or elsewhere.

I have, &c.
ARNOLD ROBERTSON.

[W 4987/4882/28] No. 112.

Mr. Robertson to the Earl of Balfour.—(Received June 16.)

(No. 216.)
My Lord, *Tangier, June 2, 1922.*

I HAVE the honour to transmit herewith a memorandum drawn up by Mr. Allchin of a conversation which he has had with Mr. John Arnall on the subject of his recent journey to the headquarters of Abdul Kerim, the leader of the Riffians.

Mr. Arnall has certainly made a remarkable journey—one, indeed, which few Europeans would care to attempt. It is unfortunate that his complete unreliability in the past makes it hard to decide how much to believe of his report. Much of it bears the stamp of truth, and it is for this reason that I decided to furnish your Lordship with details of his statements. For instance, the anti-British propaganda which, Mr. Arnall reports, has been carried on in the Riff by French agents, follows exactly the same lines as that in the French Protectorate, to which I have already drawn your Lordship's attention. It is also probable that the French, who have no desire for the present to commit themselves to any military operations outside their own zone, would not be averse from gaining a predominant commercial position in the Riff country. Though I find it difficult to take Mr. Arnall's remarks about the formation of an independent Riff Republic too seriously, it may well be that some attempt is being made by Abdul Kerim, who received in Spain an education above the average possessed by the Moors, to organise the Rifli tribes into some sort of a State, and that French agents have smiled on the scheme.

I have, &c.
ARNOLD ROBERTSON.

Enclosure in No. 112.

Memorandum of Statement made by Mr. John Arnall after his Return from a Journey to the Riff.

MR. JOHN ARNALL called here this morning, saying that he had just returned from a five weeks' journey to the Riff, undertaken originally in connection with his private commercial ventures, and that he had reports of general military, political and commercial importance that he felt it his duty to make. Mr. Arnall was voluble and incoherent, but showed signs of fatigue, and was conversationally more tractable than usual. Although, of course, he had not entirely lost his quality of exaggeration, his story, on the whole, bore an unaccustomed stamp of truth.

Mr. Arnall informed me that he had approached the Riff country by way of Taza, whence he had gone up into the Geznaia district immediately south of the boundary of the Spanish zone. Here he had stayed, near Talata, with one of the family of the Kaid of Arkub, first as a guest and then as a prisoner. He was told that the Kaid proposed to demand a ransom of 20,000 pesetas for him, but Mr. Arnall managed to persuade him to delay making the demand, knowing that it would not be met, and, in the meantime, he succeeded in sending a message to a native friend in the Spanish zone explaining that he was in captivity. The aid of Abdul Kerim was invoked, and as a result of this a force of 500 Riffis appeared at the frontier, and their headmen crossed to Talata to demand Mr. Arnall's release. With the escort of Riffis he was then allowed to continue on his journey. At Tafersit he stayed for several days with the Kaid, and he then went on to the Peñon de Velez de la Gomera to meet Abdul Kerim.

Mr. Arnall related that he was escorted to Abdul Kerim's local headquarters, which were in natural caves behind the mainland hills opposite the Peñon. Mr. Arnall had conversations with Abdul Kerim, mainly about the commercial venture that had brought Mr. Arnall to the Riff, but also about the military prospects of the Riffian forces and the political future of the country. Abdul Kerim at first decided that Mr. Arnall should return to Tangier by British battleship, and for this purpose he proposed to send a message to the Admiral at Gibraltar. Mr. Arnall, however, explained that he was a bad sailor, and was finally permitted to make the trek to Taourirt, passing by Alhucemas Bay and the tribe of Temseman. From Taourirt he regained Taza, and returned to Tangier by sea from Casablanca.

In the house of the Kaid of Tafersit, Mr. Arnall had seen cases of champagne, tinned meat, fruit and vegetables, and had learned that they were traces of a French Mission that had passed through Tafersit two days before. From what he heard later, notably from Abdul Kerim himself, it appeared that this was the fifth French Mission that had gone to the Riff to enter into secret negotiations with Abdul Kerim. These missions had been made as a result of the appeal addressed by Abdul Kerim in December last to the representatives of the Powers in Tangier, in which he had expressed his desire to trade peacefully with the European nations, and had only insisted that the Riff must be free of the Spanish yoke.

The last mission had consisted of a M. Détaille, whom Mr. Arnall believed to be a captain in the "Service de Renseignements," a M. Say, of Port Say, a member of the Marseilles sugar family, and Mohammed-ben-Haddu-ben-Hammu, the Moor who had accompanied the Riffian delegation to Paris in January last. A member of the staff of the Residency-General, with a native attached to the French Legation at Tangier, had joined an earlier mission. All these men were in close touch with Rabat and Paris.

Although the negotiations were as yet incomplete, Mr. Arnall had gathered that the missions had resulted in the provisional arrangement of a secret Franco-Riffian *entente*. He had been able to discover the general nature of the conditions on which the agreement rested. Abdul Kerim had declared that the Riff should be open to European commerce. With the exception of a belt of forest land and twelve reserved mines, arrangements were being made for the concession of special trading and mining rights to France. The port of Sidi Idriss was to be reserved for French trade. In return, the independence of the new Riffian Republic was to be recognised. The French Missions had further promised that a loan would be made to the Riffian Government so that it might consolidate its own position, and be able to undertake schemes for the betterment of the country.

The Constitution of the republic had already been drawn up on French lines, and comprised an elective President and the representation of the tribes in a central Chamber of Deputies through which the country would be governed. Representatives of the Riff tribes had been elected, and the Ghomara, which was willing to adhere to

the Constitution, was now organising its representation. A Parliament house was being built at Ajdir, on the Bay of Alhucemas, and preliminary meetings had already taken place. Abdul Kerim had been elected as first President of the republic for a period of five years, and the impression gained by Mr. Arnall was that his position in that office was assured, and that the whole Constitution had the hall-mark of stability.

Abdul Kerim had been confident that the Spaniards could make no further progress in the Riff, and that they must soon lose the Peñon and Alhucemas. From what Mr. Arnall had seen of the Riffian artillery in the bombardment of both of these places and of their forces entrenched at Alhucemas Bay, he was inclined to share this view, and he believed that Abdul Kerim was leading well-trained and disciplined troops that were superior to the Spanish army as a fighting force.

Mr. Arnall informed me that Abdul Kerim has asked him why it was that England had not entered into negotiations with him as the French had done. He was the unquestioned ruler and representative of the Riff, but Great Britain had not only returned no reply to his appeal of December last, but had communicated its nature to the Spanish Government, his enemy. He heard, moreover, that British warships were to help Spain on the Riffian coast. Abdul Kerim supposed, however, that all this was but a part of our general anti-Islamic policy which had declared itself in Egypt, India and Turkey. Mr. Arnall could not explain why no reply had been made to the Riffian appeal, but he (incorrectly) denied that the appeal had been communicated to the Spanish Government, and did his best to refute the other charges made by Abdul Kerim against us. He recognised the usual watchwords of the anti-British propaganda conducted by the French, and was sure that Abdul Kerim's attitude was directly traceable to the French emissaries whom he had received.

Abdul Kerim had welcomed Mr. Arnall's assurances that Great Britain was not the enemy of Islam, and stated that he did not despair of making some arrangement with her. Quite apart from the acknowledged affection of the Riffi for the British, he would prefer to treat with Great Britain rather than with France, because the question of his position with regard to the Makhzen would not then be raised. Moreover, it seemed to him that it was in the British interest to make an agreement with him. Trade between Gibraltar and the Riff and Ghomara coast, which had at one time been considerable, was now at a standstill, but he hoped that it might revive. Mr. Arnall informed me that, on the other hand, there were already abundant signs of French trade with the Riff. Goods came in principally by the Taourirt caravan route from the south, but, in the Souks of Temseman, he had watched the off-loading of supplies which he believed to have come from the port of Sidi Idriss. Mr. Arnall added that, as he understood it, our policy was to prevent France from extending her influence westward from Algeria along the shore of the Mediterranean, and, to secure this, it seemed to him that we must make an *entente* with Abdul Kerim. It was a mistaken application of our policy to support Spain, who would soon lose her last footholds in the Riff country, where her position was already more than precarious. Abdul Kerim had explained to him that he had concessions for the twelve reserved mines and the forest belt to offer in the Riff, as well as the mining and trading rights in the whole of the Ghomara, where his authority was now recognised. He would also be prepared to hand over to British trade the port at Cap du Maure, on the Bay of Alhucemas, the best natural port on the Riff coast. After the end of the fast of Ramadan he intended to send a delegation conveying his proposals to the British authorities at Tangier or Gibraltar, and he hoped that, either officially or through private enterprise, Great Britain might treat with him, and then follow a policy that would be advantageous to her as well as to himself.

G. C. ALLCHIN.

Tangier, May 28, 1922.

[**W 5192/5192/28**] No. **113.**

Mr. Robertson to the Earl of Balfour.—(Received June 22.)

(No. 237.)

My Lord, *Tangier, June 12, 1922.*

WITH reference to your Lordship's despatch No. 219 of the 30th ultimo, I have the honour to transmit herewith a report on the heads of foreign missions in Tangier.

I regret the delay in sending this report, but as I only arrived in December, it did not seem that it would serve any useful purpose until I could become better acquainted with my colleagues.

I have, &c.
ARNOLD ROBERTSON.

Enclosure in No. 113.

Report on Heads of Foreign Missions at Tangier.

[Passages from last year's report are in brackets.]

Belgium.

[Belgium is represented by M. Maurice Cuvelier, who was appointed diplomatic agent and consul-general at Tangier in 1917. He is in the Belgian consular service, and spent some time in Bombay. He is an amiable enough colleague and gives himself considerable trouble to fulfil his social duties, holding tenaciously to his place in the sun as Belgian representative. The pomposity of his manner and the pedantry of his diction make him something of a butt amongst his colleagues. He usually votes with the French in matters concerning the administration of Tangier. He is married and his wife is generally popular. He has some knowledge of English.]

France.

M. François de Carbonnel has been French diplomatic agent since 1919. Before his arrival he was counsellor at the French Mission to the Belgian Government at Le Havre, and, some time earlier, secretary of Embassy at Berlin. He is a man of some intellect and considerable personal charm. He is astute and quick at taking up little points, but appears to be almost entirely lacking in character or in courage of his convictions, if, indeed, he has any. He is terrified of both Paris and Rabat, and seldom, if ever, ventures an opinion of his own. I doubt if he intrigues against us of his own volition, but he makes no effort to control the anti-British machinations of his dragoman, M. Ronflard, who probably takes his orders from Rabat or the Quai d'Orsay. M. de Carbonnel professes Anglophil sympathies, but they are of little value, as he carries no weight with anyone. Altogether a poor creature who, if pressed, takes refuge in obstinacy. He is a widower.

Italy.

M. Rinella was succeeded in May of last year by the Comte Viganotti Giusti, who is married to a neurasthenic but not unattractive wife. I only saw him once or twice before a domestic scandal, in which his wife became foolishly involved with the son of a clerk in the Italian agency, entailed his sudden departure. His place has been taken temporarily by M. Serra, the Italian Minister at Lisbon.

Netherlands.

M. J. D. van Ketwich Verschuur arrived in Tangier as Dutch agent and consul-general in October last. He speaks excellent English, but shares his countrymen's sympathies for the Germans. He was formerly in the Foreign Office at The Hague, and has been seven years at Pretoria. He considers that Holland has important commercial interests at Tangier, and I gather that his Government are becoming more and more strongly in favour of internationalisation. They would certainly express definite views on any scheme put before them. M. van Ketwich is persistent to the point of indiscretion in his questionings on all subjects, and it is not always easy to put him off. He is married to a pleasant but shy Dutch lady, who also speaks English.

Portugal.

M. Lopes da Silva Ferreira arrived in May 1921, a pleasant but colourless colleague, whose instructions, so he informs me, are to support me in case of differences among members of the Diplomatic Body. He generally puts "d'accord avec mon honorable collègue d'Angleterre" under my minutes on circulars, but never expresses an opinion of his own.

Spain.

[Don Francisco Serrat has been Spanish representative at Tangier since the beginning of 1916, before which date he was head of the Morocco Department in the Ministry for Foreign Affairs at Madrid, having previously served in several Spanish diplomatic missions in Europe and elsewhere.

M. Serrat is in the strange position of not being officially recognised by the Makhzen, never having been furnished with letters of credence as diplomatic agent. He explains his position by claiming that he is merely agent for the Tangier zone, where his Government do not recognise any sovereign rights on the part of the Sultan, and that he has nothing to do with the French protectorate or the Spanish zone of Morocco.

M. Serrat is a man of a certain ability and a master of the terms of all the treaties, rules, and regulations affecting this place. His position in Tangier, where he feels obliged actively and constantly to uphold Spanish rights, renders him, however, touchy and impulsive and apt to rush into ill-considered action that he afterwards regrets. He has no manners, and the manifestations of his quick temper, soured by his experiences at Tangier, are unpleasant. At meetings of the Diplomatic Body, Conseil sanitaire, and the Comité des Travaux publics, he sometimes loses control of himself and beats the table and shouts. He is a difficult colleague to deal with and not always truthful, and at a place such as Tangier, where the difficulties of things often demand much patience, tact and goodwill, he can only be regarded as a danger.]

His position has recently become still more difficult, owing to the refusal of my French colleague and the local authorities to recognise him as doyen of the Diplomatic Body, because he is not accredited to the Sultan and denies His Majesty's authority over Tangier.

United States.

Mr. Blake left on a special mission to the Balkans in April, and has been replaced by a Roman Catholic priest, Father Joseph M. Denning, who had never previously been outside the United States. Though he assures me that he is not of Irish origin, his parents were born in County Clare and emigrated to the United States. His appointment, he tells me, is due to a desire on the part of President Harding to show gratitude to the Roman Catholic Church for their support during the last elections. He is a fish out of water, understands no word of any language but his own, and has, so far, failed to show any sign of grasping the position here or any of the problems with which he has to deal. French agents tried to flatter him and wean him over to their side almost immediately after his arrival, but Mr. Blake was still here at the time and was able to warn him. The hint was apparently given to him that he would certainly get a bishopric if he did well here. It is too early yet for me to judge how far he is likely to fall into the traps laid for him, but I am inclined to think that he would resent any attempt to make a tool of him. I am informed that the State Department did not approve of the appointment, but President Harding insisted. They have, therefore, sent a secretary to help him, Mr. Ferdinand L. Mayer, who practically does all the work, to the no small chagrin of the French agency. Mr. Mayer comes from the State Department. He has only been here one month, but has grasped the whole situation here in that very short time. He is one of those honest, straightforward Americans with whom it is a pleasure to deal and whom intrigue disgusts and alienates. It is safe enough for us to let him work out his own salvation, but to give him any help for which he may ask. The French have put it about that he is a German Jew, a fact of which he is quite aware, as Tangier is a very small place, and one which shows that they are put out by his arrival. They had hoped to have things all their own way with Father Denning.

---

o